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THE REPORT OF THE REPRESENTATIVES OF MYSORE ON THE MAHARASHTRA - MYSORE BORDER DISPUTES COMMITTEE

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PREFACE

I have great pleasure in mentioning that the Representatives of the Mysore State on Maharashtra-Mysore Border Disputes Committee have been able to conclude their task and to present this report which is the fruition of their labours during the past one and half years.

At this stage we may mention that two Representatives were appointed by each of the two Governments to study the problem of the disputed borders and to express their opinions. They were in no sense called upon to support the cases of their respective Governments. They were expected to take a dispassionate and rational view of the two cases and to give their opinion expressing on what points they agreed and on what points they disagreed with the cases of the two Governments. They had also to support their own views by giving reasons for the same. We have tried to the best of our abilities to take such a dispassionate view. If on many points we have agreed with the case of Mysore Government or disagreed with that of the Maharashtra Government, we have given our reasons for the same. It may be noted here that on some points we have disagreed with the views of the Mysore Government and have expressed our reasons therefor.

At the last meeting of the four Representatives of the two States held in Bombay early in January 1962, the Representatives of the two States expressed differing views on most of the points. It was then decided that they should write two separate reports and that before submitting them to the two Governments they should meet again and compare notes. Although it was then expected that the reports would be ready by the end of February and that they would meet in March, neither of the Representatives were ready with their reports by then. The Maharashtra Reprsentatives, however, later proposed that we may meet by the end of April. But as the report of the Mysore Representatives was not ready, the date of meeting was asked to be postponed. Thereafter no communication was received from the Maharashtra Representatives. But it was published in newspapers that their report had been

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Maharashtra Government. No copy of it has been sent either to us or to the Government of Mysore as yet. During the last week of July, I wrote to Mr. H. V. Pataskar intimating that our report is ready and that we may meet at any convenient place on a suitable date. I got a telegram from him stating in consultation with Mr. M. D. Bhat that we may meet on 5th August 1962 in Bombay. Owing to the illness of Mr. S. Channiah it was proposed that the meeting may be postponed by a week. I even suggested that if Mr. Channiah was still unwell, I would alone attend for seeing that our work is completed. The Maharashtra Representatives did not agree and they declined to meet us. Hence we submit this Report to the Government of Mysore with a request that a copy of the same may be sent by them to the Government of Maharashtra as provided for in the joint Statement of the two Chief Ministers.

Our Report consists of three parts. The first part deals with the general principles on which transfer of certain areas are claimed by the Maharashtra Government. It may be mentioned here that their case is principally based on the basis of linguistic homogeneity to be determined by the three criteria, *viz.*, (1) village should be taken as a unit; (2) simple majority should determine the linguistic complexion of a village or town and (3) a village or villages to be transferred should be contiguous and should not form islands. These criteria are commonly known as Pataskar Formula as they were applied for fixing the boundary between Madras and Andhra Pradesh and as Mr. Pataskar was entrusted with the task of applying these criteria. The case of Maharashtra Government further relies on some other broad grounds also, for example, they contend that Konkani language should be considered as Marathi on the ground that the former is the dialect of Marathi or is akin to Marathi. All such general questions have been discussed in detail in the first part of the report.

The Second part of our report pertains to discussions of the merits of the various specific areas claimed by Maharashtra Government for transfer from one State to another. Many considerations other than the above criteria are suggested to justify a transfer. The merits of these points have been discussed in this chapter.

The Third part relates to our concluding remarks. Certain matters, though not raised by the Government of Maharashtra in their case placed before us, have been later raised in the course of the speech to the Legislature by the Governor of Maharashtra and some more have been raised in Press. These have been considered in this Part. We have also considered the proposal of the Mysore Government that they are prepared to consider exchanges of minor nature on an *Ad hoc* basis and have expressed our opinion that this is the only reasonable way of finding a solution for the problem. We have also considered the necessity of solving the minority problem in general by making the position of the Minority Commissioner more real and effective. We have finally expressed our opinion that in the interests of the Nation these border disputes should be subordinated to the needs of National Integration. At the end of this Part, we have appended a summary of the various chapters of the report to facilitate finding out the salient points in the report at a glance.

In the course of our discussions with the Maharashtra Representatives in the last meeting held in Bombay, we discussed the points raised in the I Part of our report and Representatives of both the States expressed their opinion on the general principles. But the Maharashtra Representatives declined to consider the special points for and against the specific areas claimed for transfer by the Government of Maharashtra. Even after the meeting, in February this year, I represented to them reiterating my views that consideration of the specific areas on their individual merits is absolutely necessary for the fulfilment of the task assigned to us. But Mr. Pataskar in consultation with Mr. Bhat stated that no useful purpose would be served by doing so. Hence I assume that the Maharashtra Representatives must have discussed merely the general principles dealt by us in the I Part and that they might not have considered individual areas on merits which we have considered in II Part. This extra treatment by us accounts for a greater length of time occupied for our Report.

I take this opportunity, firstly, of thanking the Maharashtra Representatives Mr. H. V. Pataskar and Mr. M. D. Bhat, who were uniformly kind and courteous

to us all along. The work of the Committee went on harmoniously and in a cordial atmosphere. I also offer my personal thanks to Mr. S. Channiah, my collegue, for the ready co-operation and help he has all along offered to me and to the work of the Committee in spite of his numerous engagements.

On behalf of Sri S. Channiah and myself I thank the Governments of Maharashtra and Mysore and also the two enthusiastic Chief Ministers of both the States for their help to the progress of the meetings of the Border Committee in various ways and for the hospitality shown to the Representatives during their visits for the purpose of meetings. We have to thank the two Chief Ministers, particularly, for their keen interest taken in this subject not only by offering their written statements to the Committee but also by personally explaining to the Committee the points of view of the respective Governments.

The task before the Committee was vast and expansive. It required arduous labour and intensive study. For that purpose I had to collect materials from various sources. My thanks are due to all those who have contributed their help in this and other directions. My thanks are due to the Kannada Sahitya Parishad and particularly to its learned President Sri B. Shivamurthy Shastri for the supply of books and materials, to the Mythic Society and its Curator Sri Hari Rao who was kind enough to provide me with several books unobtainable elsewhere. My thanks are also due to the Librarian, The Public Library, Bangalore, for supplying me books. The Karnatak University, particularly, its Registrar Sri S. S. Wodeyar, readily helped us with certain books and materials. My thanks are due to them. Similarly, The Karnataka Research Institute, Dharwar, and its Director, Dr. B. A. Saletore deserve my thanks for supply of books and valuable information.

Help has been received from various sources and in various ways. It may be difficult to recount all of them at this place. Mention may, however, be made of Sri P. S. Kamath, Government Pleader, Karwar, Sri Srinivasa Rao Mangalwedhe, who supplied me with rare documents, Sri R. N. Gurav, Under Secretary, Home Department, who supplied me with valuable epigraphical information, and of Sri K. Lingappayya, the Headquarters

Assistant to the Deputy Commissioner, South Kanara, for their ready assistance in supplying me several books and other literature. Similar mention may also be made of Sri Annu Guruji and Sri S. D. Kothavale who helped me from time to time with several informations.

I have to thank the Chief Secretary Sri R. J. Rebello for the spontaneous co-operation and ready help he gave from time to time. My thanks are also due to Sri K. Balasubramaniam, I.A.S., Census Superintendent in Mysore who was kind enough to supply us certain statistical material pertaining to 1951 Census. It may be recalled here that the case of the Maharashtra Government has been based on the figures of Census, 1951. As nearly a year and half has elapsed after the Census of 1961 we were hoping that we may be able to see a better picture of matters in dispute in the figures of 1961 Census. But unfortunately we were not able to get them and so had to be content with the figures obtainable from 1951 Census. It may be that when the 1961 Census figures are available they may throw better light.

The Staff of the Border Committee with Sri K. A. Kembhavi, as its Secretary, have been at work for the last one and a half years and more by collecting and collating materials requisite for this report. I convey my thanks to them for such co-operation. But I have to make a special mention of the very valuable assistance given to me by Sri B. S. Iyengar, B.A., my personal assistant. His indefatigable industry, coupled with high sense of duty, has been a great source of assistance to me. He has collated most of the materials, worked out many figures for the report and has given me invaluable assistance in the preparation of this report.

Lastly, I convey my thanks to the Director, Government Press, Bangalore, for the prompt and neat execution of the work in connection with this report.

BANGALORE,
16th August 1962.

S. S. MALIMATH,
Member.

CONTENTS

Chapter		Page
	Preface	(i)—(v)
	Part I—General Principles	
I.	Introductory	1—3
II.	The Cases of Two Governments ..	4—7
III.	Historical Background	8—10
IV.	Zonal Councils	11—15
V.	Same Claims—Considered and decided by Parliament	16—19
VI.	Reopening—Not advisable	20—21
VII.	Readjustment not necessary	22—26
VIII.	Burden of Proof	27—29
IX.	Fixing General Principles—Its Propriety ..	30—31
X.	Principles proposed by Maharashtra—not New	32—35
XI.	Linguistic Complexion—unsuitable and changing	36—42
XII.	Village as Unit	43—45
XIII.	Linguistic Percentage	46—49
XIV.	Geographical Contiguity	50
XV.	Linguistic Minorities	51—57
XVI.	Konkani Language—Its Early History ..	58—65
XVII.	Konkani in Karwar..	66—74
XVIII.	Cities	75—81
XIX.	Bidar District—Whether divided by Agreement	82—91
	Part II—Individual Areas Concerned	
XX.	Introductory	92—96
XXI.	Karwar, Supa, Haliyal Talukas of Karwar District	97—116
XXII.	Belgaum District	117—157
XXIII.	Kolhapur District	158—160
XXIV.	Jath : South Sathara District	161—162
XXV.	Sholapur District	163—183
XXVI.	Hyderabad Karnataka : Gulbarga District..	184—188

Chapter		Page
	Part III—Some Other Aspects	
XXVII.	Public Opinion	189—194
XXVIII.	Some Suggestions	195—196
XXIX.	Arbitration	197—200
XXX.	*Ad hoc* Exchanges	201—203
XXXI.	Conclusions	204—209
	Summary of the Report	210—222
	Appendix A	223
	Appendix B	224—226
	Appendix C	227
	Appendix D	228—229

COMMITTEE ON BORDER DISPUTES BETWEEN MAHARASHTRA AND MYSORE

PART I

GENERAL PRINCIPLES

CHAPTER I

Introductory

1. The agitation for forming States on Linguistic lines was a long standing one. After the question was gone into in all detail by a High Power Commission, the States in India were reorganised in 1956. It was hoped that the question was set at rest. It was never expected that the Reorganisation brought into effect would be satisfactory to everyone; but it was certainly expected that the ultimate decision as arrived at by the people's representatives through Parliament would be acceptable to the people. The verdict of the Parliament should be expected to be final in any democratic State. But however that was not to be in so far as the boundaries between the States of Bombay and Mysore. As a Kannada proverb goes, " Even though a shower of rains ceases the drippings from trees will not." In less than a year after Reorganisation the Bombay Government came out with a claim that there should be a further readjustment of the border areas between the said two States and to that effect put forth a memorandum for being submitted to the Zonal Council. It appears that the Government of Mysore was not agreeable to any readjustments as proposed and that there was some correspondence between the Chief Ministers of the two States. Ultimately it was agreed by both of them that a Joint Committee be appointed to go into the matter and they issued a joint statement dated 5th June 1960 (Appendix A). Thereby both the Governments had to appoint two representatives each, to study and discuss together the cases put forward by the two Governments and to make their reports. As a result of this agreement the Government of Maharashtra appointed two representatives by their Order of November 1960 and the Government of Mysore appointed

two representatives by their Order dated 5th August 1960.

2. The case put forth by the Bombay Government as mentioned above on or about 25th June 1957, has been adopted by the Government of Maharashtra. By way of a reply to this case the Government of Mysore placed their views on Border Disputes in writing in December 1960. Thereafter on 7th June 1961 the Chief Minister of Maharashtra presented to the Members of the Committee a further statement at Pachmarhi Camp. The Chief Minister of Mysore in turn presented his rejoinder to the above at Bangalore on 8th October 1961. These cases were duly studied by the Representatives in about 12 meetings held in different places. The Four Representatives also discussed the matters in detail in the course of their sittings.

3. It may be noted here that at the very first meeting of the Representatives held on 23rd January 1961 at Bhopal it was settled that the Representatives should visit the disputed areas. At the next meeting held on 24th March 1961 in Bangalore it was suggested by one of the Representatives that a joint tour by all the Representatives may give occasion for demonstration by the rival linguistic groups and may accentuate the tension already existing in some of the disputed areas. It was therefore decided that the Representatives of the two States may undertake separate tours and visit the disputed areas according to their convenience. It was also decided that the *Representatives should not either examine any witnesses or record any evidence.* But if any written representations were presented by any individuals or institutions the same would be received. Accordingly when the Representatives of Maharashtra State had their tour during which they received....* representations. During the tours of the Representatives of Mysore they were presented with as many as 725 Kannada and 302 Marathi representations. Summaries of these Representations have been exchanged between the Representatives of the two States for information. A specific mention is here made about the separate tours with a view to clear up a misapprehension found to have been raised in the minds of some, that separate tours

* Figures not received.

were taken owing to a disagreement or disharmony amongst the Representatives of the two States. At this stage it may be stated that the Representatives have all along worked very harmoniously and in a cordial atmosphere.

4. In the meetings of the Committee held in Bombay on the 1st and 2nd January 1962 matters in issue were formulated and the opinions of the four Representatives were expressed. Unfortunately, the Representatives of the two Governments did not see eye to eye and expressed differing opinions. Hence it was settled that they should send their reports to their respective Governments with copies to the other Government. It thus became necessary for the Representatives of the Mysore Government to make this separate report.

5. Before setting out for consideration the summary of the cases made out by the two Governments it would be useful to recall the observations made by the Prime Minister in the course of his speech in the Parliament on 30th July 1956 at the time of the consideration of the States Reorganisation Bill. It sets forth a clear perspective which is necessary for the consideration of the disputes in respect of boundaries of States within the Country. Referring to his recent visit to many Countries and great States in the West he gives his own impression in the following words :

> "Another thought that struck me as .... important as I travelled from country to country was how the old frontiers had gradually meant less and less .... There were problems certainly, many problems and many conflicts, but this idea of national frontiers became less and less important somehow in the modern scheme of things.
>
> .... If the frontiers of nations become relatively less important than they were, and if in the course of a few years, they may also be ignored, how much less important are these problems of State Boundaries which we are considering .... I do not suppose that the most ideal solutions, whatever they might have been, could possibly have been pleasing to everybody.
>
> .... But I wish this House to realise this, and first of all look at this picture in proper perspective lest we forget that perspective and get lost in the passions of the moment. Secondly to realise that howsoever important these questions of borders might be, they are, after all, administrative divisions inside the country."

CHAPTER II

The Cases of the Two Governments

6. The case of the Maharashtra Government is that the States Reorganisation Act, 1956, settled merely the main frame work of the Reorganisation of States and that at the same time it left a large number of questions relating to marginal territorial adjustments for being considered later. Acording to them, this portion of the work was expected to be undertaken and completed by the Zonal Councils. Starting with this assumption they aver that the areas on the borders of the two States should be readjusted immediately on linguistic basis. In so doing they lay emphasis on three considerations to be adopted as the guiding principles for the redistribution. They are commonly known as the Pataskar Formula and are as below :

(1) Village should be the unit for allotment ;

(2) Simple majority of the people speaking one of the two languages in dispute should be the deciding factor ;

(3) The unit or units should be contiguous to the State to which it is to be joined.

This formula is advocated on the ground that it tends to promote the greatest convenience of the greatest number of people affected. One more point urged by the Government of Maharashtra is that Konkani language is either a dialect of Marathi or one allied to it and that the number of persons speaking Konkani should be added to those speaking Marathi for the purpose of arriving at the Marathi majority.

7. Applying the above formula, the Maharashtra Government has sorted out the villages in the disputed areas and have drawn a map to show that large portions now in the Mysore State should be transferred to the Maharashtra State. The map further shows the areas that deserve to be transferred from the State of Maharashtra to Mysore and it also indicates the new boundary line to be drawn between the two States. For this purpose reliance is placed on the figures available from the Language Hand Books prepared according to the 1951

Census. Summarising their case, the Maharashtra Government claims 814 villages with a total population of 6,70,228 and with an area of 2806.1 sq. miles from the Mysore State for being transferred to Maharashtra State. The number of villages which according to them should be transferred from Maharashtra State to Mysore State will be 260, with a total population of 3,25,260 and an area of 1,180 sq. miles. The changes proposed involve 18 talukas consisting of 12 talukas lying in 4 Districts of Mysore State and 6 talukas lying in 3 districts of Maharashtra State.

8. The case of the Mysore Government is that in view of the decisions of Parliament, as embodied in the States Reorganisation Act, *Status Quo* ought to be maintained. The time-old demands for distribution of provinces on linguistic basis have been ultimately set at rest by the Parliament in 1956. These decisions are final and admit of no further changes. All that the Zonal Councils are expected to do is to deal with minor differences, if any, in respect of areas lying on the common borders of the States. At any rate there is no scope for any major changes as claimed by the Government of Maharashtra. It is further averred by the Government of Mysore that all the areas now claimed by the Maharashtra Government were specifically considered by the Parliament through various amendments, and that all those amendments were either rejected or withdrawn. The same questions cannot be reopened or re-agitated again.

9. According to the Government of Mysore the areas claimed by Maharashtra raise disputes of a major nature. The Government of Mysore decline to accept the three principles and state that even those principles were the subject matter of an amendment and were, after due consideration, rejected by the Parliament. As the claim of Maharashtra Government involves changes of boundaries over a length of nearly 500 miles from the Northernmost point of Mysore State, *viz.*, Santpur Taluk in Bidar District and extends along the whole of the North-Western boundary of the State down to Karwar in the West and as it extends to a depth of nearly 120 miles (towards the South) such adjustments can hardly be said to be minor adjustments of boundaries. According to the Government of Mysore, such major changes were never contemplated much less provided for, under the terms of the

States Reorganisation Act. They reiterate the principles recommended by the States Reorganisation Commission and incorporated in the States Reorganisation Act for the purpose of distribution of areas and state that it is not linguistic homogeneity alone that has to be considered as the sole test in setting the boundaries between two States. Even the States Reorganisation Commission has not given much importance to language as it has given to various other considerations. According to Mysore Government no change is called for in the existing boundaries although they are well aware that many areas which are predominantly Kannada have been joined not only with the State of Maharashtra but also with other States such as Kerala, Madras and Andhra Pradesh. Reopening of the question and alteration of the existing boundaries between any two States would bring in its train a similar demand for reopening the boundaries between most other States in India. Besides it would be unfair to Mysore to be required to make an adjustment of their boundaries with Maharashtra State alone on the basis of certain principles without making similar adjustments with other States, on the same principles.

10. The Mysore Government express its preparedness for minor adjustments on an *Ad hoc* basis. For this purpose they suggest a maximum limit of 10 miles on either side of the existing boundaries, provided the village proposed to be transferred has a population of more than 70 per cent speaking either Marathi or Kannada. In respect of this stand they claim that Cities be excluded, which according to them, should be included in the State in which the bulk of the rural area surrounding it is included.

11. Referring to the Konkani language the Government of Mysore contends that it is not a dialect of Marathi but an independent language. As such the claim of the Government of Maharashtra to include Konkani-speaking people with those speaking Marathi in order to get up a Marathi Majority is untenable and cannot be conceded.

12. As already mentioned above, in the course of the sittings of the Representatives held in Bombay on the 1st and 2nd January 1962, certain points of issue between the cases of the two Governments were considered. So

far as the three principles, known as Pataskar Formula, are concerned, the Members agreed only on the third point *viz.*, that the unit or units to be transferred should be contiguous to the State with which they are to be joined. As regards the question of adopting the village as unit and of a simple linguistic majority for the purpose of transfer of areas, the Representatives of Maharashtra State supported both these points whereas those of Mysore State disagreed with them.

13. According to the Representatives of Mysore, the Committee ought to have proceeded to consider the questions relating to the various areas proposed by the Government of Maharashtra for being transferred from Mysore to Maharashtra and also to the areas suggested by the Government of Maharashtra for transfer from the State of Maharashtra to that of Mysore. But the Members of Maharashtra State were of opinion that in view of the differences on the fundamental principles regarding transfer of areas, no useful purpose would be served by entering into further discussions for considering the questions relating to the different areas. In view of this attitude of the Representatives of Maharashtra the consideration of the areas in question could not be taken up. According to the Members of the Mysore State this is a necessary step enjoined on the Members of the Committee by the Joint Letter dated 5th June 1960 issued by the two Chief Ministers. The task of the Committee would not be complete without the same. They, therefore, think it necessary for them to go into the consideration of the cases put forth in respect of the areas, though unilaterally, and to offer their own remarks. For this purpose it will be assumed that the views of the Maharashtra Members will be in support of the case put forth by the Government of Maharashtra since the areas are set out by applying the above said principles, to which the Members of Maharashtra have given their acceptance.

14. Before taking the consideration of the two cases, it would be useful to review the Historical Background as that would tend to a better appreciation of the problems.

CHAPTER III

Historical Background

15. It is a well known fact that during the British regime the Provinces in India were formed not on any definite principles but as a result of conquest and accession of areas by the British from time to time. During the last half century or more before the exit of the British from India, there was a demand from various parts of India, particularly in the South, for forming provinces on the basis of linguistic homogeneity. This consideration got recognition and concrete shape for the first time when the Indian National Congress formed its Organisational Provinces on linguistic basis in the year 1920. The Kannada speaking people who during the British regime, were cut up and thrown into as many as 19 different administrative units, were, for the first time brought under one unit, called Karnataka Provincial Congress, so far as the Congress Organisation is concerned. Similarly, Maharashtra Provincial Congress, also came into being along with many other provincial organisations formed on linguistic basis. After India attained Independence in 1947, the President of the Constituent Assembly appointed what is known as the Dar Commission in 1948 to consider the feasibility of formation of linguistic provinces in Southern India. This Committee did not approve of the formation of linguistic provinces and proposed that the question should lie over for some time as the question of integration of India and of National Unity were of primary importance and urgency at a time when India had just attained independence. Thereafter the Jaipur Congress Session considered this report and appointed what is known as J.V.P. Commission. It was composed of three of the Stalwarts of India—Sarvasri Jawaharlal Nehru, Vallabhbai Patel and Pattabhi Sitaramayya. That Committee practically endorsed the same conclusions, which were expressed by the Dar Commission. In 1953, however, owing to certain circumstances the Andhra Province was suddenly formed as a separate State. By the end of 1953 the Government of India appointed a High Power Committee under the Chairmanship of Fazal Ali to consider the whole question of redistribution of provinces in India. Recognising the importance of linguistic homogeneity and culture the

Resolution of the Government of India, by which the Commission was appointed mentioned that " the first essential consideration is the preservation and strengthening of the unity and security of India ". It further added that administrative conveniences, financial and economic considerations were also " almost equally important ". The States Reorganisation Commission gave its report in September 1955. The same was considered by the Government of India and a Bill for comprehensive readjustment of the States in India was brought forth. This resulted in the States Reorganisation Act, 1956 and the new States came into being from 1st November 1956. Although in pursuance of this Act the Country was divided and formed into 14 States, more or less on linguistic basis, it cannot be said that the States thus formed were unilingual areas.

16. So far as the States Reorganisation Commission is concerned they clearly stated that they " did not regard *linguistic principle as the sole* criterion for territorial readjustments ". The States newly formed give a clear indication that even the Parliament did not consider a linguistic majority in any particular area as the deciding factor. It can be seen from the Act that in many cases the linguistic considerations have receded into background, yielding place to other considerations, which have received greater importance.

17. Before taking up the cases of the two Governments for consideration, it would be necessary to mention a few lines about the scope as well as the limitations of the Representatives in pursuance of the joint statement dated 5th June 1960 of the two Chief Ministers. (The same has been appended *in extenso* for reference—App. A). It requires that after a detailed study of the two cases the four representatives should " report to the two Governments as to what extent there is an agreement and disagreement about the disputed border with reasons therefor ". The Representatives found some difficulty in interpreting this letter in respect of the work that is expected to be done by them. *Prima facie,* it appears as though they have to find out how far there is agreement or disagreement between the two Governments, in respect of the two cases. But the proper interpretation appears to be that the Representatives should report how far they agree

or disagree with the cases in respect of the disputed boundaries or areas. The work expected of them is firstly, to study and discuss together the two cases in detail; secondly, to note with which point or points made out in the cases the Representatives agree or with which they disagree and thirdly, to submit their reports with reasons to the two Governments. The Representatives have to give their reasons as to why they agree or disagree on each particular point. This means that the Representatives have merely to offer their comments in respect of the points made out in the two cases. Beyond that, the Four Representatives are not expected to go. At one time a question was raised as to whether the Representatives have power to negotiate with the two Governments and thus try to bridge the gulf between them. Such a question was directly put by Sri S. S. Malimath, one of the Representatives of Mysore, to Sri Y. B. Chavan, Chief Minister of Maharashtra, when the Representatives met him in Bombay on 7th August 1961, and Sri Chavan was requested to clarify the point. He expressed that the Representatives may negotiate. It was then thought necessary to secure the concurrence of Sri B. D. Jatti, Chief Minister of Mysore. When such a question was put to him on 8th October 1961 at Bangalore, he expressed that it was not contemplated that the Four Representatives should embark on such negotiations. The plain wording of the joint statement dated 5th June 1960 does support this latter interpretation. It will thus be seen that the scope of the work of the Representatives is narrow and limited as above. Beyond offering their comments on the points raised in the two cases, they are not expected to do anything more. It should also be noted that the Representatives are not on a par with Arbitrators and they cannot give their own verdict on any of the matters in dispute, much less, give a binding decision in regard to the dispute. It is within this narrow limitation and scope that the Representatives have to work.

CHAPTER IV

Zonal Councils

18. The first question that naturally arises is as to whether soon after the boundaries of the States were settled by the Parliament under the States Reorganisation Act, 1956, it is proper for the Government of Maharashtra to put forth further claims for areas from the neighbouring State of Mysore. Anticipating this question, the Memorandum of the Maharashtra Government begins by saying, "while this enactment settled finally in the highest Democratic Forum of the Country the main frame work of Reorganisation of States, a large number of marginal territorial adjustments still remain to be considered". As against this, the case of the Mysore Government is that the fixation of the boundaries by the States Reorganisation Act was final and that it would be wrong to suppose that the boundaries were flexible, still to be finalised by the Zonal Councils. In support of this stand they refer to the fact that the amendment moved in the Parliament for the appointment of one or more Boundary Commissions was negatived. The suggestion of Mysore is that if the boundaries were still to be settled later, a provision would have been made for the appointment of a Boundary Commission. This argument of the Mysore Government does not appear to be sound. It is possible to infer that the amendment regarding the appointment of a Boundary Commission was negatived for the reason that an alternative provision has been made by the appointment of Zonal Councils for the same purpose. It is therefore necessary to examine whether the Zonal Councils were definitely expected to fill the place, more or less, of a Boundary Commission.

19. Before we pass on to that topic, it is significant to note that if the stand of the Government of Maharashtra is correct, soon after the Reorganisation of States in 1956, every State in India would have set about putting forth their claims in respect of further territorial adjustments on the basis of linguistic homogeneity. It is not that the States Reorganisation Act has offered solutions satisfactory to all States and that not a single State so formed has any areas to claim on the above basis. In fact, most States have similar claims against neighbouring

States (including the State of Mysore which has claims to make against Kerala, Madras and Andhra Pradesh, apart from Maharashtra). It is significant that not a single other State has referred to any such claim for decision by the Zonal Councils concerned. This clearly indicates that no other State, except Maharashtra, has understood the provisions about Zonal Councils in relation to boundary disputes in the way in which the State of Maharashtra does.

20. The Government of Maharashtra however takes the stand that the machinery in the shape of Zonal Councils has been specifically provided for considering boundary disputes and for " consequential readjustments of territories ". According to them once the Reorganised States come into being, the next step contemplated would be for Zonal Councils to take up consideration of further territorial adjustments left over by the States Reorganisation Act. The Government of Mysore challenged both these stands, *viz.*, (i) that at the time of passing the States Reorganisation Act, such matters were not considered by the Parliament and were left over and (ii) that it was intended that Zonal Councils should decide border disputes and direct re-adjustment of territories.

21. The first point will be considered in extenso in the next chapter, so far as the claims now made are concerned.

22. We therefore propose to take up the second point, which relates to the power of Zonal Councils. We are not much concerned here with the objects with which these bodies were created. If the stand of the Government of Maharashtra is correct and if the question of marginal territorial adjustments was left over by the Act for being tackled by the Zonal Councils, one would expect that powers would be given to Zonal Councils to decide all border disputes between two States and to direct transfer of particular areas from one State to another. No doubt the Zonal Councils are expected to consider " any matter concerning the border disputes ". But as can be seen form Section 21 of the States Reorganisation Act, Zonal Councils are merely advisory bodies. In respect of the Border disputes they cannot take any decisions which would be binding on the States

concerned. This is amplified by the Statement of the then Union Home Minister the late Sri G. B. Pant made in the Lok Sabha while sponsoring the States Reorganisation Bill—" The decisions of the Zonal Councils are not binding. They are only of an advisory character. It will have, I hope, at least some moral force." This goes counter to the suggestion that questions about the territorial adjustments between the States were expected to be settled by the Zonal Councils to be established and that therefore they were left over at the time of the passing of the Act. A fair reading of the Section along with the explanation of the Home Minister shows that it must have been thought that even after a full and final settlement of the boundaries, as enumerated in the Act, certain undreampt of disputes may crop up here and there, and such disputes may be placed before Zonal Councils for consideration and advice. Since the Chief Ministers of the disputing States would be Members of the Council along with one Union Minister it was hoped that the advice offered by such a body, being almost a mutual settlement, would be accepted by the disputants. The provision made in Section 21 of the States Reorganisation Act is in respect of such negligible and stray items of dispute. It is also possible that even after a full and final adjustment, new points may be raked up and developed into a dispute. It may be to cover such new matters or disputes also, relating to boundaries between the States, that the Zonal Councils were to deal. Simply because jurisdiction was given to Zonal Councils to consider such petty items it would not be safe to proceed to infer that all items of boundary disputes remained unconsidered and were left over for consideration by Zonal Councils. Besides it should be noted that there is absolutely no basis to conclude that Zonal Councils had any power to direct " consequential readjustments of territories ", or to go a step beyond tendering advice.

23. This view finds support from the speech of the said Home Minister made in the Parliament at the time of sponsoring the Bill. It is important to note that this same speech has been relied upon and quoted by both the Governments in their respective cases.

24. We may quote here a few of the material observations then made by the Home Minister :

> " Now, as Hon'ble Members are aware, the Zonal Councils have been authorised to deal with all these boundary matters pertaining to readjustment of territories lying on the common borders of the States. I hope when the States are formed, the Zonal Councils will meet and endeavour to resolve the disputes, because after all, the goodwill of neighbours is of much greater value than a small patch of territory; and, it should be possible for the States concerned to settle these *minor differences* between themselves."

The Government of Maharashtra quotes these observations to support their stand that such disputes as the ones they are now raising are expected to be settled by the Zonal Councils. According to them, it means that such matters have remained unconsidered and left over for being considered by the Zonal Councils. The Government of Mysore, however, relies on this passage to show that what was expected of the Zonal Councils was to endeavour to resolve disputes of a *minor* nature in matters relating to boundaries. The stand of the Government of Maharashtra has already been discussed and we find nothing in these observations of the Home Minister, which goes counter to the views expressed by us. On the other hand, it amplifies that there is no sanction to carry into effect the advice of the Zonal Councils. The strength of the advice lies merely in that it makes for the good-will of the neighbours which should be given greater value than a small patch of territory that may be under dispute. In this connection it is pertinent to mark the words used. According to the Union Home Minister, the work ascribed to the Zonal Councils is merely " to endeavour to resolve ". Settlement of the differences is however expected to be achieved by reason of the mutual co-operation of the two States themselves.

25. The stand of the Government of Mysore is further supported by the clause " boundary matters pertaining to readjustment of territories lying on the common borders of the States ". This indicates that if it is thought that a few villages on one side or the other of the common boundary fixed by the States Reorganisation Act have to be transferred to avoid hardship on administrative grounds, that question may be considered by the Zonal Councils.

26. The Chief Minister of Maharashtra offering his own expansion to the words 'Minor differences' (used by the Union Home Minister) says "The pattern of the new States..... was the major issue..... It is in this context that he referred to considerations by the Zonal Councils of such boundary disputes for which they had been statutorily empowered. It is these border readjustments to which he referred as minor differences as contrasted with the major differences relating to the new set up of the constituent States of the Union which had already been settled after much canvassing and discussion". It will be seen that the basis for this argument is that statutory powers have been given to the Zonal Councils to decide the boundary disputes. We have already discussed and shown that no such power to decide has been given to the Zonal Councils and that there is no sanction for their decisions. Hence the above arguments will be unsustainable.

27. In this connection it may be noted that even the Government of Bombay concede that what remain to be considered are "marginal territorial adjustments". This carries almost the same implication as the words used by the Home Miniser, "territories lying on the *common borders* of the States". These words imply that what was contemplated was minor adjustments. This justifies the stand of Government of Mysore.

CHAPTER V

Same Claims—Considered and decided by Parliament

28. One of the grounds on which the stand of the Government of Maharashtra about the interpretation of Zonal Councils is based is that such marginal territorial adjustments were left over and not considered by the Parliament at the time of the passing of the States Reorganisation Act, 1956. The Government of Mysore does not agree with this.

29. The areas claimed by Maharashtra comprise almost three whole talukas in Karwar district, substantial portions of three talukas in Belgaum District (apart from a few villages in two more talukas) and substantial portions of three talukas of Bidar district (amounting to about 1/3 of the whole of that district) and a few villages of Gulbarga District. It will be seen from the debates of the Lok Sabha that there were amendments moved in respect of almost all the areas above-said. In respect of the three talukas of Karwar district there were 4 specific amendments to exclude them from the State of Mysore. (It may be noted that the present taluka or Tehsil of Supa was then designated as a Petha). This amendment was summarily rejected (*vide* Col. 2610 of the Lok Sabha Debates dated 9th August 1956). There were similarly seven amendments in respect of Khanapur Taluka, the areas of Belgaum Taluka and of Nippani Bhag in Chikodi Taluka together with a few villages of other talukas of the district. These amendments were also rejected as can be seen from Col. 2612 of the Report of the Lok Sabha debates. There were six amendments about the areas claimed from Bidar District and they were all negatived.

30. Naturally, the Government of Mysore argues that matters once specifically considered and rejected by Parliament should not be allowed to be raked up again. It also points out that the stand of the Government of Maharashtra that these questions remained unconsidered and left over for being decided by the Zonal Councils is incorrect. In his reply-statement, the Chief Minister of Maharashtra mentions that the rejection of the amendments by Parliament was not a verdict on merits.

According to him, "it was considered unnecessary to include the territorial provisions pertaining to such border areas in the States Reorganisation Act itself" as Zonal Councils were created to consider these border disputes. This view is based on the assumption that Zonal Councils. were created for deciding all border adjustments. We have already discussed that the Zonal Council were not intended to *decide* such border disputes; but they were intended to deal with residuary border adjustments of a minor nature.

31. We may usefully refer to the observations of Sri Y. B. Chavan, Chief Minister of Maharashtra made at the time of the passage of the Bill for bifurcating the Bilingual State of Bombay in the Bombay Legislative Council on 18th March 1960. An amendment was moved to para (b) of Clause 3(1) in the following words: (Page 216 Bombay L. C. Debates)

> "(*b*) Such villages on the border between the State of Gujerat and the State of Bombay as are found to have a majority of Gujarati speaking people and to be contiguous into the State of Gujerat, the issue of majority being determined on the basis of a village as a unit."

Replying to this amendment Sri Y. B. Chavan observed: (page 217)

> ".... If we accept this amendment, it will create an anomalous position in the whole Act. It will create some sort of vaccum on the border between Gujerat and Maharashtra. Part (*b*) of the clause which is sought to be amended really proposes to accurately define the border between Maharashtra and Gujerat. If we here provide some sort of recommendation may be to like a linguistic commission which may be appointed for the purpose, as to on what basis the border should be decided it will not be an Act giving birth to new States but it will be some sort of principle giving birth to new controversies. That is not the idea of an Act. The Act is called upon to create States. As such I cannot accept the amendment."

After these remarks the amendment was put to vote and negatived.

32. From the foregoing it is obvious that the amendment sought to rely on the same principles which are now advocated by the Chief Minister of Maharashtra for demarcating the boundaries between Maharashtra and

Mysore *viz.*, (1) Village as unit, (2) Linguistic majority, and (3) Contiguity. But at that time these criteria did not find favour with the Chief Minister of Maharashtra. Was it because they were not actually applied in settling the boundaries between Maharashtra and Gujerat ? If they were applied, what wrong would have been caused in case the amendment was accepted ?

33. The reason put forth by the Chief Minister of Maharashtra for opposing the amendment was that a proposal of this sort would give birth to new controversies and it would not be an Act giving birth to new States. These remarks can very well be applied to the States Reorganisation Act. By that Act new States were to be brought into being—and not merely drawing of broad outlines, leaving the actuals to be demarcated by Zonal Councils—thus creating vaccum on the borders between States. Equally well it can be said the State Reorganisation Act " accurately defined the borders " between the States and never purported to " create vaccums." It would be futile to suggest that for demarcating the borders in these vaccums, Zonal Councils were devised.

34. The importance of this stand of Maharashtra about Zonal Councils will be visualised when the actual areas claimed by the Government of Maharashtra will be considered since some of them penetrate far inside into the boundary of Mysore State as deep as 75 miles or more. The claims stretch all along a boundary of about 500 miles in length involving transfer of 814 villages from the State of Mysore to Maharashtra with a population of about 6,70,000. Can it be assumed that "vaccums" were created and left over to be decided by Zonal Councils in respect of such a vast area ? The Government of Mysore therefore legitimately put a serious question whether such a large claim can be considered a matter of minor differences or of marginal adjustments, coming within the scope of the settlement indicated by the Union Home Minister. According to them, " a border area, though not legally definable, would necessarily mean an area within a very reasonable distance on either side of the dividing line of any contiguous States." Explaining at a later stage, what according to them should be the extent, they say that it should be a reasonable distance restricted up to a 10 mile belt in the districts of former Bombay State on either side of the present boundry. This limit of

10 miles has been characterised by the Chief Minister of Maharashtra as arbitrary. No doubt it is so. In the nature of things, all such limitations are bound to be arbitrary.

CHAPTER VI

Reopening—Not advisable

35. In case the interpretation of the Maharashtra Government is accepted, it will not only give occasion for upsetting all the settled boundaries but will afford an invitation for raking up old claims and for advancing new claims and disputes by the various States. In the course of the debates in the Parliament it was observed by the Prime Minister :

> "I do not suppose that the most ideal solution, whatever they might have been, could possibly have been pleasing to everybody."

No doubt this has been the result. Every State has its own complaints against the boundaries settled. Even the State of Mysore has its own complaints in respect of its boundaries on the sides towards the States of Kerala, Madras and even Andhra Pradesh apart from that of Maharashtra. Once it is held that the boundaries fixed are not final and that they can be readjusted through Zonal Councils, every State is sure to come out with claims and counter-claims on all sides, and such claims, more often than not may be exaggerated. A similar view was expressed by Mr. H. V. Pataskar, (the Union Minister for Law), in the course of the debates on the States Reorganisation Bill.

> "I think the present evils, or at least many of them are due to the forces that are released as a result of the appointment of the Dar Commission. I found that attempts were made to say that the limits of every territory went far beyond what they were."

Once such disturbing forces are released, it will be difficult to arrest them. They are likely to raise perilous problems all the country over. This may affect the peace and internal harmony of the country and endanger its unity.

36. Language is, no doubt, a cementing factor and may bring about harmony, unity and solidarity among the people concerned. But it is also likely that it may create exclusivism, if not, encourage a spirit of intolerance against other languages. This leads to aggressiveness and expansionism resulting in a sense of irredentism. It

is necessary to avoid such fissiparous tendencies which are likely to develop in the wake of regionalism, especially when linguistic homogeneity is made the sole test and undue importance is given to language. The crying need of India today is National Integration. We have to get rid of such parochialism as communalism, regionalism and the like and foster a feeling of co-operation, unity and strengthen the integrity of the Nation. It would be unwise to give occasion for the disturbing elements above discussed.

CHAPTER VII

Readjustment not necessary

37. Assuming for a moment that jurisdiction has been conferred on Zonal Councils to consider the Border Disputes and assuming that they have power to decide such disputes, the next question would be as to whether there is any ground for interfering with the decision of the Parliament, and for upsetting the boundaries settled by States Reorganisation Act. Answering such a question the Memorandum of Government of Bombay gives the following reasons to justify their demand for further boundary adjustments and for transfer of vast areas from Mysore to Maharashtra made immediately after the Reorganisation of States :

1. " So far as the demarcation of the boundaries of the Mysore State with those of the new State of Bombay is concernel, the decisive principle has been that of linguistic homogeneity."

2. " that with the Reorganisation of States, it is inevitable that regional languages should now increasingly come to occupy a principal place as the medium of administration, of education and of social inter-course, for all intra-State purposes."

38. In reorganising States in India one of the objects was the formation, as far as possible, of States comprising of areas mainly speaking one language (except for Bombay which was then formed as a bi-lingual State). It is however stated by the Government of Maharashtra that while demarcating the boundaries between the States formed under the States Reorganisation Act, linguistic homogeneity was the deciding factor. But the States Reorganisation Commission which was mainly responsible for suggesting the pattern of this Reorganisation makes clear in its report that " it is neither possible nor desirable to reorganise Sates on the basis of the single test of either language or culture." In proposing the boundaries of new States it has taken into consideration several factors, such as, the unity and security of India, language and culture, financial viability, requirement of National Development Plans, regional planning and balanced economy, historical and geographical factors, administrative convenience, etc.

They observe :

> " The problems of Reorganisation are so complex that it would be unrealistic to determine any case by a single test alone ..... We have, accordingly, examined each case on its own merits and in its own context and arrived at the conclusions after taking into consideration the totality of circumstances and on an over-all assessment of the solutions proposed."

39. The observations of the Government of Maharashtra that linguistic homogeneity has been the decisive principle does not appear to be correct. Since they aver that this is the test for the demarcation of the boundaries of Mysore State with that of (old) State of Bombay, it would be worthwhile to see what the States Reorganisation Commission has to say on that point also. While mentioning the areas which according to them should be included in the Karnataka State to be formed, the Commission mentions in para 329 :—

> "(*b*) the four Kannada-speaking districts, of the Southern Divisions of Bombay, namely, Belgaum, except for Chandgad taluk, Bijapur, Dharwar and North Kanara."

They further observe : " the territorial limits of Karnataka, as first proposed, broadly cover the Kannada speaking areas, but in the case of one or two small units, linguistic considerations have been subordinated to other compelling reasons." Further on, the Commission explains their reasons for inclusion in Karnataka of the units referred to. One of such units relates to the areas of Belgaum District consisting of large *portions* of Khanapur and Belgaum talukas, including the city of Belgaum, and portions of Chikodi Taluka. Speaking generally the Commission observes :

> " As we have explained elsewhere, the linguistic considerations only should not, in our view, be the decisive factor, especially in settling the future of the border tract which cannot be regarded as predominantly unilingual."

Dealing specifically with Belgaum, they observe : (in para 349):

> " .... the future both of the taluka as well as of the town should, more appropriately, be decided on *administrative grounds.*"

In view of the foregoing it is difficult to understand how the Government of Maharashtra observes that linguistic

homogeneity was the decisive principle in the demarcation of boundaries of the Mysore State with those of the new State of Bombay. A specific question was therefore put to Shri Y. B. Chavan, Chief Minister of Maharashtra, at the time of the interveiw with the Committee on 7th August 1961 in Bombay and he was asked to explain if there is anything in writing to support this averment. In his reply he stated: "No writing is necessary" and merely asserted that "it is a fact". This does not clarify matters any further. We are not satisfied with the correctness of the stand taken by the Government of Maharashtra.

40. The second ground is the probable importance that a regional language may assume in certain spheres. This is mentioned to show that thereby certain linguistic disabilities will be caused and that they may hamper the normal growth and development of the people speaking any language other than the language of the State.

41. Apart from the fact that a linguistic minority is bound to remain in every State howsoever meticulously the boundaries may be demarcated, it would be necessary to note and examine what disabilities are likely to be caused in the areas of Belgaum district which are claimed to be transferred to Maharashtra.

42. Belgaum District as a whole is distinctly a Kannada area with a population of 67 per cent Kannada-speaking people. The Marathi population in the district (including the residents of the three talukas of Belgaum, Khanapur and Chikodi) is hardly 23 per cent. These disputed areas have been parts of Belgaum District ever since the formation of the district in 1836. Even prior to that date it was part of Dharwar District which is to that date it was part of Dharwar District which is admittedly a Kannada area. Since those early times the language of administration in the District at all lower levels has been mainly Kannada. It is however found that it is in respect of the language of the Civil Courts only that for the first time in 1927 a Notification under the Code of Civil Procedure was issued by the Government of Bombay that along with Kannada, Marathi should be used as the language of the Civil Courts at Belgaum and Chikodi. This was the position during a century and a half of the British Rule. By the formation

of the reorganised State of Mysore with the District of Belgaum no change whatsoever has been effected in this position so far as that district is concerned. The medium of education in the Primary Schools has been both Marathi as well as Kannada according to the mother-tongue of the boy or girl concerned. But it will be seen that the number of schools provided for Marathi children are more in proportion than those provided for Kannada children. In cities like Belgaum where there are High Schools, almost all schools maintain two divisions in each standard where education is given in one Division through Kannada and in the other through Marathi. In colleges the education is through the medium of English. Thus the old conditions continue without any change. It is therefore not understood how after Reorganisation of States any inconvenience can be felt for the education of the pupils whose mother-tongue is Marathi. Besides there is a college at Belgaum which trains teachers for the degree of Bachelor of Teaching. Even there, provision is made for training both Kannada as well as Marathi teachers. It is not known if anywhere in the State of Maharashtra such a provision is made for training Kannada teachers or teachers from any other minority language groups. With all these facilities there can be no room to urge that any handicap will be caused to the education of Marathi speaking people in the district.

43. It may however be argued that these two points are raised not as matters of serious handicap to the Marathi speaking people living in the district but as matters offering better convenience to them if these areas are transferred to the State of Maharashtra. Apart from the question whether it will really result in greater convenience to them, there is one more aspect that should not be lost sight of. Out of the total population of 5,75,917 who are asked to be transferred from the district of Belgaum to the State of Mararashtra, only 2,50,331 are Marathi speaking. Out of the remaining, 81,622 are Kannada speaking people. If convenience is caused to the above Marathi people it will result in inconvenience to the Kannada people, who will incidentally be transferred to the State of Maharashtra. For ought we can imagine, the transfer may cause inconvenience to the

other non-marathi speaking people also, since for over a hundred years they are living with the Kannada brethern of the district, who speak Kannada and have been a part of that district.

CHAPTER VIII

Burden of Proof

44. Before thinking of any alteration in the boundaries of the States, as fixed by the Parliament, it is necessary to consider whether the proposed changes are likely to bring about any distinct improvement in the existing conditions. Unless the alteration is one comprehended or calculated to advance the welfare of the people concerned, there is no point in disturbing the existing arrangements and in bringing about a change since it necessarily involves a great deal of dislocation and an arrest of the progress of the States apart from the huge costs which incidentally follow. In this connection it would be useful to recall the objectives which the Government of India placed before the States Reorganisation Commission in the Government resolution appointing the Commission :

> " The whole question of Reorganisation of States of the Indian Union should be carefully examined, objectively and dispassionately, so that the welfare of the people of each constituent unit, as well as of the Nation as a whole, is promoted."

Hence every proposal should be examined and found out if it satisfies these tests.

The States Reorganisation Commission rightly observed :—

> " The Reorganisation of States has to be regarded as a means to an end and not an end in itself and. that being the case, it is quite legitimate to consider whether there is on the while a balance of advantage in any change." (para 106).

The whole question ought to be viewed from this stand-point. It is appropriate to first consider what is the benefit that will accrue to the people concerned if a particular village or area is transferred from one State to another.

45. Without facing such a question and without giving a suitable answer to it in respect of every village or area, the Maharashtra Government merely proceeds on the assumption that it is for the convenience of the persons speaking the majority language that they should be

transferred to the State of that language. They go to the length of asserting that such ought to be the initial presumption. They add that if there are any special circumstances in any particular case, the presumption can be rebutted by reason of those circumstances. This stand is diametrically opposite to the one taken by the States Reorganisation Commission, as noted above. The only justification for such a presumption appears to be on the basis of linguistic homogenity as the sole criterion. We have discussed this point threadbare and we agree with the States Reorganisation Commission that linguistic homogeneity is one of the considerations along with others and not the sole consideration. Hence there is no scope for any such presumption.

46. In introducing the above legal phraseology of *initial presumption* and its *rebuttal,* the Government of Maharashtra seem to introduce certain legal concepts. Following that line, we may mention that one of the important principles of law in this connection is *status quo ante.* This principle is the fruit of wisdom and a result of considerable practical experience. This principle demands that the present state of affairs ought to continue until justification is shown for any change. That is exactly what the States Reorganisation Commission has observed and that is exactly what the stand of the Government of Mysore, indicates.

47. The stand of the Government of Maharashtra implies as though there is a clean slate to write upon and that they are free to draw the line of demarcation anywhere. They would further add that it is proper to draw it as dictated by the formula under consideration. This assumption is not correct. The State Reorganisation Act has drawn the boundaries of all States and they have come into existence since 1st November 1956. The allocation of any village or area in a particular State is a fact and that cannot be ignored however much we would like to. If now any party wants a change from the existing position that party will have to cross the hurdle of *status quo* and take upon itself the burden of proving that the change proposed is necessary and justified. The stand of initial presumption is unsustainable.

48. It may, however, be urged by the Government of Maharashtra that they are challenging the very demarcation made by the States Reorganisation Commission and therefore the demarcation made by the States Reorganisation Act should be deemed to be non-existant for the purpose of considering their case. For this purpose they may point out the analogy of an appeal against the decree or an order of a Court and argue that when the decree or order itself is challenged in a Court of Appeal the existence of decree or order will not be deemed to be a *status quo ante* but will be deemed to be non-existant. Such an analogy is misleading. It cannot be that the Maharashtra Government wants us to look upon the Zonal Councils or any such authority which is to decide the present dispute to be in the position of a Court of Appeal against the verdict of Parliament as embodied in the States Reorganisation Act. It is hoped that the Maharashtra Government does not want us to understand that the formation of several States by the States Reorganisation Act should be ignored and that we should start afresh demarcating new boundaries as though none exist. The best construction in their favour would be to proceed, not on the basis that there are no boundaries demarcated, but on the basis that there are boundaries of States and that the same are defective for some reason or other and that such defects have got to be rectified. If so, the changes pointed out must be shown to involve defects or shortcomings and the rectifications proposed must be shown to be necessary and justified.

CHAPTER IX

Fixing General Principles—Its Propriety

49. The Government of Maharashtra proposes that the boundaries between the two States in question should be readjusted with the help of certain general principles. It is suggested that once the principles are determined, the further work of adjustment of boundaries would be very easy as it merely amounts to an application of the principles to individual cases. Secondly, it is suggested that fixation of such general principles would avoid inconsistency and prevent misunderstanding among the public. The question as to whether demarcation of the boundary between two States should be on *a fixed general principle* is itself a matter of controversy. We have already referred to the fact that the States Reorganisation Commission was of the view that the settlement of boundaries cannot be done by adopting a single principle for uniform application to all types of cases. In fact they have not adopted any one such principle. In their view, " each case has its own back-gound. Besides, the problems of Reorganisation are so complex that it would be unrealistic to determine any case by a single test alone." The earlier Commissions and Committees in this connection, such as, the Dar Commission and the J. V. P. Committee have expressed themselves against the monistic approach to the problem. The late G. B. Pant, the Union Home Minister, who sponsored the States Reorganisation Bill made a statement in the Lok Sabha :

> " My own request was not for a formula, because my own feeling is this. So far as these differences are concerned they can be settled better if we have no rigid formula than by sticking to a particular formula."

Speaking further with reference to the possibility of settlement by the States concerned, he observed :

> " But specific questions can be taken up by the parties concerned without being fettered by any rigid formula."

In our opinion, formulating certain fixed principles for rigid application would create more difficulties in the way than offer a solution of the problem. It is one thing to say that the claim made by one State in respect of

a particular unit or area satisfies a particular consideration or principle and is, therefore, justifiable ; but it is quite another thing to say that a particular unit or area must be transferred to another State simply because it answers a particular principle or formula, however good or just or well-meaning that formula might be.

CHAPTER X

Principles proposed by Maharashtra—not New

50. For considering the general principles suggested by Maharashtra Government, we proceed on the assumption that some such principle has got to be invoked for seeking a solution of the problem. The general principles proposed are three and are intended to be applied for allocating territories between two States (presumably on considerations of linguistic homogeneity). They are: (1) village should be taken as a unit; (2) a simple majority of the people speaking one language is enough; and (3) the area to be transferred should be a contiguous territory without creating any island.

51. These principles were applied for settling the boundary between the States of Madras and Andhra. It would be useful to consider their genesis and their application by Mr. H. V. Pataskar when by common agreement of the two Governments he was appointed to settle their border disputes. In so doing our object is to show that the application of the principles in that particular case was a matter of common agreement between the parties and not one of a general principle evolved by an independent third party for a solution of Border Disputes.

52. It may be recalled that the formation of Andhra State was hastened by the hunger strike of Potti Sriramulu culminating in his death. Soon thereafter on 19th December 1952 the Prime Minister informed the Lok Sabha that the Government of India has decided to form the Andhra State. As the matter was urgent, Andhra people were asked to take undisputed areas with an assurance that the disputed areas would be settled later by a Boundary Commission. The new State of Andhra came into being on 1st October 1953. The question of appointing a Boundary Commission was considered immediately thereafter by the Governments of Madras and Andhra. It was decided that the census slips of the disputed areas should be sorted out and villagewise linguistic data secured. This indicates that village was going to be adopted as a unit for consideration. The Government of India appointed an officer

for the purpose of sorting the census slips. This work was completed by the end of June 1955. In July 1955, the Government of Madras proposed that the border disputes may be settled by mutual agreement between the two Governments and at the same time suggested four broad principles. In August 1955, the Government of Andhra replied agreeing to these principles.

53. By this time the States Reorganisation Commission was already appointed in December 1953. They adopted District as a unit for making territorial adjustments. But they excluded the consideration of the boundaries between these States from their purview. At this stage, we may quote the following from the report of Mr. H. V. Pataskar :—

> It will thus be clearly seen that the States Reorganisation Commission deliberately left out of their consideration the question of the border dispute between Andhra and Madras which was already undergoing a different process of settlement. Some definite principles of settlement had already been agreed to between the two States. Village-wise language figures were being collected and this much progress had already been made in the direction of a settlement of this dispute. The basis of the settlement of this dispute is thus different from the basis adopted by the States Reorganisation Commission for deciding the matters with which they dealt in their report."

54. In December 1956 both the Governments agreed that the dispute may be entrusted to Mr. H. V. Pataskar for his mediation. It will thus be seen that the principles were from the beginning agreed to by both the parties. If they were evolved by an independent third party as general principles fit and proper for application in cases of border disputes, they would have commanded a greater value. Although by then the States Reorganisation Commission had publishd its report, the principles evolved by it, were not applied for settling the borders between Madras and Andhra States, for the reason that their case was to be decided according to the special terms agreed upon between the two States. In this connection Shri H. V. Pataskar has observed in his report thus :

> " It will thus be seen that the criteria laid down by the States Reorganisation Commission in their report for the purpose of Reorganisation of States generally cannot have any

bearing on the settlement of this particular dispute ..... It is desirable in the interest of the Governments and the people of both the States of Madras and Andhra that they should try to abide by what had been agreel between them with respect to the bilingual areas on the Report of the States Reorganisation Commission."

55. These observations are obviously intended to show why the general principles adopted by the States Reorganisation Commission should not be applied for settling disputes between Madras and Andhra. The application of these special principles was set out as an exception justifiable on the ground of mutual agreement between the parties. But now these very principles are put forth for adoption by giving a go-bye to the considerations and principles applied to all States by the States Reorganisation Commission and approved by the Parliament.

56. It may be mentioned here that these three principles were not unknown to the States Reorganisation Commission. As a matter of fact, after mature consideration that Commission decided that ordinarily a district should be the basic unit. They would allow as an exception to that rule, any cases where there was mutual agreement of the parties or similar important administrative or economic consideration or geographical contiguity. One such exception was however made in the case of Chandgad taluk of Belgaum district. That taluk had a Marathi majority of 92.4 per cent and was contiguous to the district of Kolhapur.

57. Apart from the recommendations of the States Reorganisation Commission, it is material to note that the above said principles were the subject matter of some amendments before the Parliament at the time when the States Reorganisation Bill was under consideration. There were several amendments about the appointment of a Boundary Commission and to settle the adjustment between the borders of the States. Many of these amendments included a directive to the Commission that the boundaries should be decided on the basis of the same three principles, *viz.*: village as unit, linguistic majority and contiguity of area. There were also many other amendments. Hence these three principles were discussed threadbare in the Parliament and all these amendments were ultimately negatived.

This verdict of the highest Democratic Forum in the Country is a clearer indication of the fact that these principles were not found suitable for application in demarcating the boundaries of States in India.

58. Assuming the formula to be adopted is just and fair and fit for general application, other interested States will not be slow to demand its application. It will mean upsetting the principles now adopted for forming States in India and, if taken to its logical conclusion, it may mean re-distributing the areas and reorganising States once again. From this point of view the question needs to be carefully considered since it brings in elements of disturbance and disruption. It is not enough that *prima facie* the principles are fair and reasonable. It is necessary to visualise the consequences of adopting them as principles fit for universal application. If for any reason it is considered that they are not good to be applied universally it cannot be insisted that they ought to be applied only for solving the border disputes between Maharashtra and Mysore. No such special reason or special consideration has been set forth in the case of the Maharashtra Government.

CHAPTER XI

Linguistic Complexion—unstable and changing

59. It has to be noted that the principles under consideration are based on the theory of linguistic homogeneity. But even with these principles it is not possible to secure that goal completely. There are as many as 14 States in India speaking 14 languages. In this state of affairs there are certain areas which are bi-lingual and even if reorganisation is effected on the above principles, such bi-lingual areas are bound to remain. Certain villages are tri-lingual and many of the important towns are multilingual. Even assuming that it is possible to carve absolutely uni-lingual State—which is next to impossible—it cannot retain that complexion very long. In a Free India and with a constitutional guarantee to every citizen for following any occupation, profession, trade or business, there is bound to be a shuffle of population. A village, town or area which was once absolutely uni-lingual may after a few years become bi-lingual or tri-lingual.

60. If we look to the history of the past, we notice that many of the areas have completely changed their language from one to another. Nripatunga, the great ruler and poet of Karnataka of the 10th century has mentioned in his "Kaviraja Marga" that the northern boundary of Karnataka (Kannada speaking people) was as far as the River Godavari. An exactly similar mention has been made by the Kannada Poet Nanjunda of the 16th century in his book "Paradara-Sodara Ramanatha Charita". Apart from these versions of Kannada poets, a more recent and also a more accurate description of the boundaries of the Kannada speaking area is given by Sri Walter Elliot in the article (Published in the Journal of the Royal Asiatic Society F.S. Vol. IV, page 3 : and 'Madras Journal of Literature and Science,' Vol. II—page 195):

> ,' The boundary of the Kanarese tongue on the West and North may be designated 'by a line drawn from Sadasivagad' on the Malabar Coast, to the Westward of Dharwar, Belgaum and Hukkeri, through Kagal and Kurundwad, passing between 'Kaligaon' and 'Pandegaon,' through Brahmapuri on the Bhima, and Sholapur and thence East, to the neighbourhood of Bidar."

Sadashivagad, referred to above, is a fort to the north of Karwar built by the King Sadashiva Raja of Sonde or Soonda. They were pure Kannada Kings who ruled over this area and even over parts of Goa. Commenting on the above boundary line drawn by Sir Walton Elliot, Dr. J. F. Fleet writes in his book entitled, 'The Dynasties of the Kanarese Districts' as follows:

> "This, however, wrongly excludes Kolhapur. Bidar, in the Nizam's Dominions, is about fifty miles east of Kalyani, and about sixty miles to the north by east of Malkhed ....
>
> In official language, ... Belgaum, Bijapur and Dharwar Collectorates are, together with Kolhapur, Miraj and other Native States, always called the 'Southern Maratha Country.' A more misleading appellation, however it originated, could not well have been devised .....
>
> In the whole area of the so-called Southern Maratha Country, not a single Marathi inscription has been discovered. of a greater age than two or three centuries ..... The inscriptions are all either in pure Sanskrit or in pure Kanarese or in the two languages combined. This fact speaks of itself, as to what the vernacular of the country was in early times. In the present day, the people and the language of the British districts are essentially Kanarese; and the Kanarese people and language have been displaced, to a certain extent by the Marathi people and language in the Native States, only because those States were established by the aggressions of the Marathas from the North, whose local influence proved to be greater than that of the Native Rulers whom they dispossessed. Even in these Native States, and in Marathi official correspondence, the Political Agent at Kolhapur is, to the present day, always addressed as the Political Agent, not of the "Dakshina Maharashtra" or "Southern Maratha Country", but of the "Karavira Ilakha and the Karnataka Prant."

It is significant to note that an eminent Scholar and an outstanding patriot and national hero Lokmanya B. G. Tilak—A Maharashtrian himself—supports this. In the course of his speech at Gurlahosur, in Belgaum District, on 26th November 1907 he observed "Maharashtra and Karnataka are not different. The same blood runs in both; the language of both was one—and that was *Kannada*". From these observations it is clear that what is now a Marathi-speaking area was all Kannada in earlier times.

61. One need not be surprised at the statement that Kannada was spoken upto the river Godavari on the North. That boundary has since receded southwards

by 300 miles. A place like Poona which is itself more than 100 miles to the South of Godavari is now the centre of Maharashtra and of Marathi literature. Coming to nearer times, in the districts of Satara and Colaba and in Ellora Caves, stone inscriptions have been found which are in Kannada language (*Vide* Karnataka Gata—Vaibhava, by Alur Venkatarao—page 21). Kolhapur was the Capital of Silharas which was a dynasty of Kannada kings. Even today there are 15 Kannada inscriptions found in Kolhapur and particularly some in the Mahalaxmi temple (*Vide* Statistical Report by Major Graham—1854). Maliwada, a village about 4 miles from Kolhapur is predominantly Kannada.

62. During the time of the Peshwas, they gave as Jagirs to the Patwardhan Sardars certain areas which were Kannada. These areas have been known as Native States of Sangli, Miraj, Kurundwad, Jamakhandi, etc. In all these places and in the surrounding areas, Kannada was the main language spoken. Owing to the influence of the Rulers who were Marathi speaking families, their language began to gain importance. In addition, Marathi came to be imposed as the official language although all villages were Kannada. Only Marathi schools were opened and no encouragement whatsoever was given to Kannada. Documents of title and other deeds of alienations entered into between the citizens were required to be compulsorily written in Marathi before they could be got registered. Owing to these factors the complexion of the towns of Sangli, Miraj, Budhgaon, Kurundwad, etc., and of the villages round about, ruled over by the Chiefs gradually changed from Kannada into Marathi. As an illustration, we may point out that there are Kannada inscriptions in Miraj which have been published in Epigraphica Indica (Vol. XIX, Sl. No. 35). Close to the town of Sangli there is a village called Sangola where the majority of people speak Kannada even to this day. But at this point of time in the towns of Sangli, Miraj, Kurundwad, etc., Marathi has acquired a majority.

63. Since the said towns are now on the border between the two States, it is possible to argue that these places were from the beginning Marathi and that they were not so converted by reason of the influence of the Marathi Chiefs who ruled there. To understand the

influence of the Marathi Rulers and of their administration over the Kannada-speaking people it would be worthwhile to look at the conditions in the villages belonging to these Chiefs but situated in the heart of the Kannada District of Dharwar such as Shirhatti Taluk of Sangli State, Kundgol Taluk of Jamakhandi State and Lakshmeshwar and Gudigeri Taluks of Miraj (Senior and Junior) States. The super-imposition of the influence of Marathi is visible everywhere. The people of these areas had to learn Marathi and therefore they could only read and write Marathi in all their daily dealings although at home they spoke purely Kannada. This was for the simple reason that the schools taught Marathi and not Kannada. They had to keep accounts in Marathi and read and understand the deeds of title in Marathi. Their applications to Courts and to officers had to be in Marathi and replies and notices from Government were in Marathi. All the village records were kept in Marathi. This has resulted in slow and gradual but a definite change of linguistic complexion from Kannada into Marathi.

64. In these circumstances it is not surprising to find that places like Sangli, Miraj, Kurundwad, etc., and villages round about got converted into Marathi majority and had to go over to Maharashtra as they were on the border land, and therefore contiguous to other Marathi areas. It is however surprising that the above mentioned areas in Dharwar District and the State of Jamakhandi did not completely alter their linguistic complexion although they did imbibe much of the colour of the Marathi language. The only possible explanation for their not being converted may be due to the fact that they happened to be pockets within the Kannada area. There are some other areas round about Belgaum where similar conditions prevail. They are now being claimed as Marathi and contiguity is sought to be established for them through Belgaum. Even Belgaum itself affords a positive illustration to this influence of the Marathi chiefs over the areas ruled by them. Adjoining the City of Belgaum is another city called Shahpur. It was a part of an Indian State ruled over by the Marathi Prince of Sangli. The influence of the administration of the Marathi Chief is visible if we look into the Census Records. According to 1951 Census in Belgaum the percentage of Marathi speaking population is noted as 51.9 while the

same is noted as 60.7 in Shahpur. The excess of 9 per cent is due to nothing but the influence of the Marathi Ruler over this part.

65. At this stage we may mention some remarkable happenings of a similar nature in the Northern part of Karnataka. It is well known in the annals of Kannada literature that an important literary renaissance took place in the 12th century during the period of Basava, one of the greatest literateurs and social reformers in Karnataka. Not only was Basava a prolific writer himself but during his time there sprang up several poets and poetesses and other writers, who all wrote thousands of books in Kannada. Basava was the Minister of King Bijjala of the Kalacharya dynasty whose capital was Kalyan (now in Humnabad Taluk of Bidar District). Basava was mainly a religious and social reformer. Incidentally Kannada language and literature took encouragement at the hands of himself and of his associates who advocated Veerasaiva religion. Basava's influence naturally radiated in all directions and spread far and wide. It extended and still exists over the whole of the present Mysore State. As any other influence, literary influence should normally be expected to radiate in all directions. Kalyan was the centre of Basava's activities. Most of his associates were in Kalyan. Whatever the disturbing influences on the borders one should ordinarily expect Kalyan to remain the central place of the Kannada speaking area. Instead, Kalyan is now virtually on the Northern boundary of the Kannada speaking area. The town of Kalyan at present is a trilingual place, Kannada-speaking population being 26 per cent. Kalyan came into the hands of the Nizam of Hyderabad and was given over by him as a Jagir to a Muslim Sardar. Due to the influence of this Muslim Ruler, Urdu language got importance, Muslim population of the town gradually increased. The percentage of Urdu speaking population is over 50. Thus Kannada went on decreasing yielding place to Urdu. There was also the spread of Marathi, in that area the causes and effects of which need not be detailed here. This is the fate of language firmly rooted in a place like Kalyan.

66. We have narrated the above instances to illustrate that linguistic complexion of any place cannot remain stable for long and is liable to change by force of various

circumstances and by reason of the impact of people speaking other languages. It is therefore idle to endeavour to bring together in one State every inch of land where a particular language is spoken by a majority. If such an attempt succeeds the purpose is not likely to be useful because of the likelihood of a change in the linguistic proportions from time to time. From this it is clear that the solution that the formula is supposed to bring about will not be of a permanent utility. Hence in a question of a longstanding consequence like the formation of States, it is not proper to give undue importance to a solution which is merely ephemeral and temporary.

67. The formula in question is obviously designed to help allocation between the two States the villages on the border. They are necessarily bilingual. If the formula is to be adopted, every village which has got 51 per cent of Marathi-speaking people will go to Maharashtra and every village which has got 51 per cent Kannada-speaking people will go to Mysore. These percentages may alter very easily in a bilingual area. In that event a village which possessed 51 per cent of people speaking Marathi may be reduced, say to 45 per cent Marathi and it may happen that the Kannada speaking people may go upto 55 per cent and *vice versa*. As an example we may consider the place like Arjunnagar which is within the limits of the State of Maharashtra but hardly a mile or two from the populous trading centre of Nippani in Mysore State. It is said that Arjunnagar is artificially being created into a new trading centre with a view to divert the roaring trade at Nippani in tobacco, jaggery,etc. Although there is a college at Nippani run by the K.L.E. Society of Belgaum and although that college provides facilities for Marathi as well as Kannada students, another college aided by the Maharashtra Government has been opened at Arjunnagar with the blessings of the Chief Minister of Maharashtra and it is affiliated to the Poona University. This college does not cater to the needs of any schools or towns in Maharashtra but is designed only to draw the students from Nippani. Without commenting on such artificial methods, we may point out here that if these attempts succeed there will be a flow of the trading population and of the student population from Nippani to Arjunnagar together with the population which has to cater to the above trading and student population. In

that event it would not be surprising to find one day that Nippani which is now a flourishing trading centre in Mysore State may wane and wither into a deserted and insignificant town. Its Marathi majority may be reduced to Marathi minority. The starting of a college at Arjunnagar reminds us of the almost prophetic observations of the States Reorganisation Commission :—

> " In fact this tendency might lead to education itself being used as a vehicle of regional particularism and a revivalism, resulting in inter-State conflicts and the weakening of the National tie."

We only hope that the steps would be retraced before the apprehended evils of conflicts between the States and the weakening of the national ties set in.

CHAPTER XII

Village as Unit

68. It has to be noted that the principles under consideration are primarily based on the theory of linguistic homogeneity. If it is accepted that linguistic homogeneity should be the sole critierion for the formation of States, then these principles *prima facie* look to be rational. Obviously they serve well to put under one group, as many as possible, the people speaking one language, since village is the smallest practicable unit for that purpose. Even then, these principles have their limitations. If every village was a loose and unlinked unit by itself, it would have been like writing on a clean slate and there would be little objection to demarcate the boundary on this basis. However, as things stand such a state of affairs seldom exists. Every village is linked to its neighbouring villages for various purposes; the villages are further linked for administrative purposes with the taluk and its headquarters. Similarly, the talukas are bound up with the District and its headquarters. The Districts have thus developed into an organic and administrative unit with an economic life of their own. That is why the States Reorganisation Commission adopted the district as the basic unit for making territorial adjustments.

69. The Government of Maharashtra do not agree with this. They do not consider even a Taluka or a Circle as a proper unit. It is necessary to go lower still.

70. According to them the Village which is the lowest level and which is the basic territorial unit of human habitation is the only proper unit. In proposing this, two objectives are supposed to be served, viz.,

(1) It will reduce the linguistic minorities to the minimum, and,

(2) It will produce demarcation of boundaries which will meet with the highest concensus of agreement.

So far as the first point is concerned it is possible that the minorities may be reduced. But by reason of such a transfer, some others who may be at present in a group

which is in a majority will become a minority. Even after such a demarcation minorities are bound to remain in the very areas where transfers are made to avoid that evil. Hence it is not a satisfactory solution to the problem. We will deal with this point at some length at a later stage.

71. So far as the second point is concerned it is very difficult to agree that highest concensus of opinion will result if the formula suggested by Maharashtra is accepted. As referred to by the Maharashtra Government itself, there were numerous amendments to the States Reorganisation Bill in the Parliament. If the proposals contemplated by the Maharashtra Government were to be placed before the Parliament, they may, for ought we can guess, invite many more amendments. There was formidable opposition even to the adoption of the principle involved in the formula in question. The ultimate verdict of the Parliament was in favour of rejecting the formula itself. If the verdict of the Parliament is a measure of public opinion in a democratic State, the fact that all the amendments comprising the formula and also those involving the areas now proposed for transfer were thrown out by the Parliament is a complete answer to the point under discussion.

72. At this stage it may be worthwhile referring to one or two points made out by the Government of Bombay in their memorandum about the question of *village as unit*. It is stated by them that the Karnataka Provincial Congress Committee in the course of their memorandum to the States Reorganisation Commission consented to the village being taken as unit for the purposes of linguistic demarcation of boundaries. We have carefully gone through the said Memorandum and we are unable to find any such specific reference. The observations of the Government of Maharashtra do not appear to have been based on any such specific statement. It may be a mere inference of their own deduced from the fact that some of the areas claimed by the Karnataka Provincial Congress Committee appear to be "portions of talukas comprising all Kannada speaking villages contiguous to the territories of the would-be Karnataka State." Simply because areas less than a taluka are proposed to be added to Karnataka State on the ground that they are contiguous to the other main Kannada areas, it would be too much to infer that the Karnataka Provincial

Congress Committee took this stand on the basis of 'Village as unit' or that they gave their approval to that principle. There were various other considerations which might have impelled them to make their claim. In any case, the inference drawn by the Government of Maharashtra in their Memorandum does not necessarily follow. On going through the Memorandum of the Karnataka Provincial Congress Committee we find that nowhere the question of village as unit as a principle to be adopted has been considered or referred to. We only hope that by attributing these inferences the Government of Maharashtra are not pleading the theory of Estoppel against the case of the Government of Mysore.

73. The States Reorganisation Commission is of the opinion that the theory of taking village as a unit in determining the boundaries between linguistic groups is a corollary which flows from the acceptance of the Doctrine of Home Land. After a full consideration they denounce that doctrine as a pernicious element which deserves to be shunned for the evil effects it is likely to introduce. They observe :

> "The idea that all people who speak the same language and constitute majority, whether in a village or a taluk, should be attached to their home land will do immense harm to our national growth and must, therefore, be rejected unequivocally."

The consciousness of language majority and minority is likely to be accentuated by the concept of home land. There ought to be no cloister for such a feeling in a country like India where the only feeling that must and ought to prevail is that of one Nationality.

CHAPTER XIII

Linguistic Percentage

74. We have mentioned before, that the States Reorganisation Commission adpoted the District as the basic unit for making territorial adjustments. Commenting on this, the Maharashtra Government says :—

> " This consideration, while no doubt relevant for arriving at the first view of the main framework of distribution of areas amongst States, is not sufficiently serviceable or helpful when it comes to actual demarcation of boundaries between two States where the demarcation purports to be on linguistic principle."

They further mention that even the States Reorganisation Commission found it necessary to go to a level much below that of a district and that the Parliament had to come down to the level of taluka and in some cases even to the level of the circle.

75. To some extent these observations are correct. Having adopted the district as the basic unit for territorial readjustments, it appears that initially the States Reorganisation Commission distributed all the districts among the States proposed and carved out the States on that basis. A deviation from that rule, if at all, was allowed only by way of an exception. Detachment of part of a district was to be permitted only when it had become imperative for ensuring geographical contiguity or for other important administrative or economic consideration.

76. It is apparent that while fixing the districts in the different linguistic States, the States Reorganisation Commission took into consideration *only a simple majority* of the people speaking a particular language. Most of the districts (except possibly those in the interior-most regions) are usually bilingual. Between the two States on either sides, such districts have to be allocated according to the language predominant. In order to determine to which of the States such a bilingual district should be allocated, a simple majority of the people speaking one of the two languages is enough. Once such an allocation of a district is made, any further claim that any part of it—say a taluka—should be transferred to another State on the ground that it has a linguistic homogeneity with

that State, the States Reorganisation Commission decided that it should be permitted only if that Taluka could be deemed to be unilingual. The Dar Commission laid down that an area should be deemed to be uni-lingual only if 70 per cent of the population of that area speak that particular language. The States Reorganisation Commission adopts this minimum percentage laid down by the Dar Comission.

77. Thus both these Commissions were of the same opinion, viz., that no Taluka or area less than a district should be permitted to be detached from its district on linguistic grounds unless a minimum of 70 per cent of the people of that taluka speak that particular language. It is on this principle that Chandgad taluka was detached from the District of Belgaum as 92.4 per cent of the population in that taluka speak Marathi. Similarly, the talukas of Khanapur and Belgaum were declined to be transfered, because the percentage of Marathi speaking people in those talukas was 53.9 and 51.4 respectively. These principles laid down by the Dar Commission as well as by the States Reorganisation Commission were further followed by the Government of India in framing the State Reorganisation Bill as can be seen from the observations of the Union Home Minister made in the Parliament on 9th August 1956.

> "THE STATES Reorganisation Commission had laid down certain principles which were generally approved by the Commission they had carved out the various States. The Commission, in their report, laid down or rather defined the principles *with great precision.* Ordinarily, they were not prepared to transfer any area on the basis of less than a district. In special cases, for overwhelming reasons they were prepared to go down to talukas. They had prescribed that so far as linguistic proposals were concerned, they would not make any change where the percentage of the people speaking any language was below 70 per cent. It is in accordance with these principles that the Commission reached its decisions. The Government has followed the decisions of the Commission."

78. In this connection it would be material to note the views expressed by the Government of Bombay themselves. In the course of a circular letter No. 2026—46 dated 15th October 1949 isued by the Government of Bombay (Political and Services Department) they invited proposals from collectors as to which parts of the

1907(B)

Districts in their respective charge should be declared to be Bilingual. In so doing the Government suggested two points, *viz.*, (1) A Taluka or Mahal should be a unit for declaration of the official language, (2) Twenty per cent of the total population should be enough for recognising an area as bi-lingual and for declaring that particular language as the official language of that Taluka or Mahal.

79. The first of the above points accepts the principle adopted by the States Reorganisation Commission that Taluka my be taken as a unit for declaring the linguistic complexion. The second point indicates that in any Taluka where 20 per cent and more of the people speak a particular language it should be declared to be Bi-lingual. This implies that in order to consider a particular area as Uni-lingual more than 80 per cent of the people must be speaking that language. Compared with this, the view adopted by the Dar Commission as well as by the States Reorganisation Commission that where 70 per cent of the people speak a particular language that should be deemed to be uni-lingual is certainly very liberal. There should be no difficulty to adopt it.

80. When an area or village is bi-lingual, the stand of the Maharashtra Government would be that wherever the population speaking a particular language is 51 per cent or more that should be joined to the State which speaks their language. It is just possible that in a particular bi-lingual area, the percentages of the people speaking them may be 51 and 49. In such a case it would be very pertinent to question, why 49 per cent of people should suffer a transfer to another State, merely for the alleged convenience of 51 per cent ? Would the difference of 2 per cent people be sufficient to justify their being uprooted from their long-developed associations and moorings, to be thrown into strange and new circumstances and to be reduced to the position of a minority ? These difficulties that a transfer would subject them to could only be justified if the benefits that would accrue to the other linguistic section would be sufficiently counter-balancing. It is with this view that the States Reorganisation Commission has laid down that a part of a District should be transfered only if it is uni-lingual, in other words, if at least 70 per cent of the people or more speak that language.

81. These are considerations in respect of a Taluka or other area which is bi-lingual. But there are areas where three languages are spoken and where none have a majority of more than 50 per cent. Applying the same principle as above, the Government of Maharashtra accept that the language which claims the highest amongst the three, should be the determining factor. It is possible that the percentages may be 36, 34 and 30. In such a case a transfer is to be made for the supposed benefit or convenience to 36 although at the same time it may cause inconvenience and trouble to 64. This shows how the principle is capable of leading to unsound results.

82. We agree with the view that if an area less than a District is to be transferred it should be permitted only of that particular part or area is uni-lingual, *i.e.*, if that language is spoken by 70 per cent or more of the people of that area.

CHAPTER XIV

Geographical Contiguity

83. The third principle in the formula under consideration is that the village or the area to be transferred should be contiguous to the State to which it is proposed to be joined. We are glad to mention that the Representatives of both the Governments have agreed to this. If there is no contiguity, the village or villages proposed to be transferred will form pockets in the new State to which they are to be joined. This creates several difficulties in administration. Hence whatever principle or formula is adopted, it is necessary that a village or area which is proposed to be transferred should be geographically contiguous to the State to which it is to be joined. What we mean by this is physical contiguity and not notional.

CHAPTER XV

Linguistic Minorities

84. The foregoing discussions will show that in an attempt to attain linguistic homogeneity the highest extent to which it is possible to go is what is proposed in the Formula discussed above, namely, that any village or area, where 51 per cent of the population speak a particular language, the same should be transferred to the particular linguistic State, provided it is contiguous to that State. Even with such an arrangement it is not possible to have an absolutely unilingual State. In every such village there are bound to be persons speaking other language or languages and their percentage may go up even to 49 per cent in a conceivable case. As already discussed, persons speaking other language or languages will necessarily form a minority in the linguistic State to which that village is joined. Thus the proposed solution is not an unmixed good.

85. The Government of Maharashtra claims that the object of the formula is to be reduce linguistic minorities to the minimum, and not to avoid minorities altogether. According to them, it is no use creating minorities and thus a minority problem and then trying to find out a solution for the same. One would see the force of this argument if by adopting the Formula suggested by them the proportion of linguistic minorities is reduced to a negligible or insignficant proportion, if not obliterated altogether. But it is impossible to create a State which is completely unilingual. Between two States, speaking two different languages there is bound to be a bilingual belt. If, by keeping a village in one State, one section of the residents become a minority in the State, by transferring it to the other State, the other linguistic section will be reduced to a minority in the State to which it is transferred. This can be seen from the figures of population in respect of the areas that are proposed to be transfered from the State of Mysore to Maharashtra. The total population involved in the transfer is 6,70,000 (in round figures). Out of them 3,95,000 speak Marathi. This works at 58 per cent of the total population. Assuming that they get certain advantages by the transfer, it also means that 42 per cent do not get that advantage

and the Kannada speaking people certainly lose the advantages they were enjoying and on the contrary they will be placed in a positively disadvantageous position in the New State. They not only lose the benefit of being in a State of their own language as at present and with a linguistic majority group; but they will be put in a State of different language and will form a linguistic minority group. They have thus a double disadvantage.

86. Since there are bound to be linguistic minorities even after the transfer according to the Formula suggested by the Government of Maharashtra, certain safeguards for such minorities will have to be devised. The States Reorganisation Commission was alive to this question and has devoted a special Chapter for consideration of this problem and has proposed several safeguards for linguistic minorities. Some of them have been accepted and are being followed in many States. The minority problem whether in the linguistic field or in the communal field is posing a serious threat to the integrity and security of the Nation. The Central Government, and particularly the Prime Minister, are bestowing serious thought for the solution of this problem. A Special Body called the National Integration Council has been constituted to watch and study the root causes of this trouble and to devise remedies to bring about National Integration. It is not for us here to discuss about the safeguards to the minorities or to suggest any.

87. The form in which this question poses a problem before us is whether, as the Government of Maharashtra proposes, the present boundaries of the States should be disturbed with a view to reducing the size of the problem of the linguistic minorities; or, whether the problem of linguistic minorities and their safeguards should be faced squarely and proper solution found out. The line taken by the Government of Mysore is in favour of the latter course. Since the linguistic minorities are inevitable the problem of safeguards for them does persist whatever the principles on which the borders between the States are drawn. As there are obvious limitations to the realisation of a unilingual State, the minorities are bound to remain in every State. The question of safeguards has got to be solved equitably and in a way which should satisfy both sides and also the sense of justice and fairplay. It cannot be said that such a solution is impossible or

beyond the ken of human ingenuity. One such safeguards are established so as to neutralise the disabilities of a linguistic minority, it becomes immaterial in which State the linguistic group is placed. In our opinion, the real problem is one of devising suitable safeguards. The location of a linguistic group in one State or another will not then become a matter of any serious consequence. If this view is accepted there would be no point in seeking to disturb the present boundaries of States established by the State Reorganisation Act.

88. There is one more aspect of the problem of linguistic minorities. Apart from the present move made by the Government of Maharashtra for the transfer of certain areas from Mysore to Maharashtra, there is local agitation in some of the areas concerned and in some cases it has reached great proportions. It is said that this agitation is not one merely carried on by local linguistic leaders but that it is fed and fanned by linguistic fanatics from outside the State. Whoever may be the cause (that is not for us to find out) it is certain the grounds on which they whip up local enthusiasm will be by exaggerating to the people the supposed disabilities caused by reason of their being a linguistic minority group in the State. It is, therefore, necessary for us to examine if there do exist any such disabilities peculiar to a particular area. We will discuss this when we take up respective areas for consideration. But at this stage we propose to deal with the disabilities of a general nature.

89. The disabilities can be classified into three groups as done by the States Reoranisation Commission in their report, namely, (1) the right of instruction in the mother tongue, (2) use of minority languages for official purposes and (3) possibility of discrimination in the matter of recruitment to services.

90. So far as Primary Education in the mother tongue of the population is concerned it should be noted that the areas in question (except those in the districts of Bidar and Gulbarga) were all originaly in Bombay State which is the present Maharashtra State. The rules then obtaining in respect of Primary Education continue to be followed. Hence no objection can be raised by the Government of Maharashtra so long as their own rules are followed. There was, however, a cry raised that Kannada was being introduced as a compulsory language in the Marathi Primary Schools in certain villages round

about Nippani. The Chief Minister of Mysore made a statement on the floor of the Assembly that no such compulsion was being made and that Kannada would be taught only to such Marathi students whose parents desire that it should be taught in addition to Marathi. Similar principles are followed even in the districts of Bidar and Gulbarga. Prior to the Reorganisation of States there were some Marathi Schools in the areas in question. They are not only being continued by the Government of Mysore but some new schools are said to have been started. Hence there should be no room for complaint on this score.

91. As against this, several complaints were received by us in the course of our tour of the Kannada parts of Maharashtra that in many Kannada villages there were no Kannada schools and that in some Kannada villages Marathi schools only were run. Horwad is a village in Shirol Taluk of Kolhapur District with a population of about 3,000 souls. Maharashtra Government concedes that it is a Kannada village and proposes its transfer to Mysore. It has no Kannada school but there is a Marathi school. In the whole of Shirol Taluk, as a matter of fact, there are Kannada schools only in two villages, namely, Akkiwat and Rajapur although even according to the case of Maharashtra Government the Kannada majority villages number as many as 19. We mention these two instances merely as an illustration. According to our information similar state of affairs exists in other Kannada areas within the State of Maharashtra. In this connection we had requested the Maharashtra Government to supply us information as to the Kannada villages in Maharashtra area where there are no schools and such Kannada villages where there are Marathi schools and where there are Kannada schools. The Government of Maharashtra has merely supplied us the general rules in respect of opening Primary Schools wherever a sufficient number of students are available but they have not given us the information asked for as above said. Hence we are not in a position to give a more detailed information.

92. Our attention was drawn in the course of our visit to certain areas that in examination papers printed in Kannada for the S.S.C. Public Examination presented to the students of Akkalkot taluk, other were numerous mistakes in the language as well as in printing. It was

difficult to make head or tail of the words and sentences in certain cases. In one case the word printed was a vulgar term, possibly a mistake for some other word. Similar complaints were made in respect of examination papers of the Mysore Government in respect of Marathi examinations held in that State. We mention these complaints not with a view to criticise the Governments; but to express our opinion that these are matters which can be easily rectified with proper care and caution. We are not prepared, however, to accept the contention of those who presented these complaints to us, namely that for the reason of such treatment they receive, the area concerned should be transferred from Maharashtra to Mysore or *vice versa*.

93. So far as the official language is concerned, in the Districts of Belgaum and Karwar it was Kannada since the introduction of the British Rule. Although some of the very early survey records of the middle of the last century are in Modi script, the later survey records in Belgaum are all in Kannada. The Kamal Patrak of the year 1888-89 is in Kannada. The village and other revenue records are all along in Kannada except in a few villages which were originally parts of native States like Sangli, Kurundwad, Mudhol, Ramdurg, etc., whose Rulers were Maharashtrians or donees from the Peshwas. The Police Records is Belgaum have always been maintained in Kannada. The language in all Civil Courts in this district was also Kannada all along. But in the year 1927 Marathi was introduced as an additional language of the Civil Courts at Belgaum and Chikkodi (*vide* Government Notification No. 2433/2, dated 21st September 1927). This state of affairs continues even after the Reorganisation of States.

94. At the time of the merger of the former Indian States into the Indian Dominion in the year 1948, the Government of Bombay linked the areas concerned with the talukas in which they were located and if they were bigger units they were formed into separate taluks and put into adjoining districts. At that time, in all these areas, particularly of those which were retained as independent taluks the question of official language was not determined. Some of these were definitely Kannada speaking areas but were formerly under Marathi Rulers with Marathi enforced as official language. The Government

of Bombay declared that the official language of such areas should be both Marathi and Kannada with an assurance that at a later date the question would be specifically taken up and decided.

95. It appears that in the last quarter of 1949 the Government of Bombay took up the question of deciding the official language of such bilingual areas of the merged States. As already referred to above a Circular letter No. 2026/46, dated 15th October 1949—Political and Services Department) was issued by the Government of Bombay inviting reports from the Collectors in this connection. In that letter it was suggested that a Taluka or Mahal should be the unit and that 20 per cent of the total population should be deemed to be a substantial minority sufficient for the purposes of declaring an area as bilingual. Although not a single village of any of the merged States had been included in the district of Karwar, advantage was taken of this circular letter for introducing Marathi as the official language in the three talukas of Karwar, Haliyal and Supa by declaring them as bilingual areas. We have already referred to the fact that this declaration was on the assumption that Konkani is a dialect of Marathi. This linguistic complexion of the official language in these areas is not altered after the Reorganisation of States, whether since its inception the order was right or wrong. It appears that this action of the Bombay Government evoked a storm of opposition from the public both in the Press and on the platform. It was characterised as uncalled for and as one engineered with the help of a particular local District Officer. With a view to pacify this agitation and to allay the general feelings a Press Note was issued by the Governent of Bombay on 24th June 1953. It reads thus :

> " ..... Government desires to make it clear that the recognition of those areas as bilingual is merely for administrative purposes and that the orders have no political significance *nor are they redolent of the linguistic position of the areas in question*... The orders have been based on the principle that in bilingual areas where a language, other than the language spoken by the majority of the people, is spoken by a minority of not less than 20 per cent of the population that language should also be recognised for official purposes. From the fact that a language is recognised as an additional regional language in any area it should not however be inferred that it is intended to replace the principal regional language in all official business of the area by the additional regional language. The object

of recognising a language as an additinal regional language is to provide facilities to the people speaking that language in receiving notices and other communications from Government offices in the language spoken by them."

96. It should ordinarily be expected that similar fixation should have been made by the Government of Bombay in respect of all the bilingual areas whether the predominant language of the area was Kannada or Marathi and whether the official language was till then Marathi or Kannada. It is unfortunate that this has not been done in respect of talukas like Akkalkot, South Sholapur, Jath, Shirol and Gadhinglaj, etc. In reply to a query by us in this behalf, the Government of Maharashtra States as follows : (vide L. No. SR/BRA—1061—C—12281, dated 27th December 1961).

"Item 1 :—At the District/Taluka level, if the total population of a linguistic minority constitutes 30 per cent or more, such District or Taluka is to be regarded as bilingual for the purposes of administration. According to 1951 Census figures the talukas of Akkalkot, South Sholapur and Jath are eligible for being declared as bilingual. The question of issuing instructions in this regard is however, under the consideration of Government and necessary orders will be issued as soon as 1961 figures become available.

Item 2 :—The Principles laid down by the Government of India in their Memorandum on Safeguards for Linguistic Minorities, circulated to State Governments in 1956, for recognising a particular area as bilingual have been accepted by this Government and will be implemented as soon as 1961 Census figures become available."

97. It is difficult to understand why this obvious matter should be kept under consideration and further why implementation should be postponed to await the Census figures of 1961, when the three talukas are admittedly bilingual. Inspite of such differentiations at the hands of the Maharashtra Government, Kannada people of those areas as elsewhere, have not resorted to agitational methods. That may be because the Government of Mysore refuses to encourage any such agitations calculated to create bad blood between two neighbours. It would be for the good of all if similar attitude is taken by the Government of Maharashtra and if such agitating elements get a discouragement, as some times remarked by their Chief Minister.

CHAPTER XVI

Konkani Language—Its Early History

98. We next turn to the claim of the Government of Maharashtra that for the purposes of linguistic majority, persons speaking Konkani language should be added to those who speak Marathi. In other words, for the purposes of the linguistic homogeneity they want us to consider that Konkani is equivalent to Marathi. This claim is based on the averment that Konkani is but a dialect of Marathi. When the Government of Mysore disputed this proposition and came out with a case that Konkani is an independent language and not a dialect of Marathi, the Chief Minister of Maharashtra replied that Marathi and Konkani both belong to the same family, namely, Aryan family of languages on the ground that both are derived from Sanskrit. In short, according to him, if Konkani is not a daughter of Marathi, she is undoubtedly its sister.

99. In order to understand the significance of this part of the case it would be useful to mention a few facts. On the basis of the above theory, the Government of Maharashtra claims almost three talukas of North Kanara District namely, Karwar, Supa and Haliyal. Marathi population in these talukas is very small being 6.7 per cent, 39.8 per cent and 51.6 per cent respectively. Hence in order to sustain their claim to these talukas the kinship of Konkani is sought. The Memorandum of the Government of Maharashtra gives figures and percentages not of the people speaking Marathi and of those speaking Konkani separately but the cumulative total of the people speaking the two languages. The percentage of Marathi speaking people is thus bloated up and shown to be much higher than what it really is.

100. As already mentioned above, the ground for adding these two figures is the kinship claimed to exist between the two languages. It is an admitted fact that Konkani is purely a spoken language and that it has no script. It would be useful to have certain clear ideas about Konkani language and about the Konkan Region. As commonly understood, the word 'Konkan' is applied to denote that strip of land which lies along the Western Coast, i.e., between the Arabian Sea on the one side and

the Sahyadri Mountains on the other. About the northern and southern limits of Konkan, however, there is no unanimity. Some claim that it stretches as far as Tapti river towards the North and in the South as far as Cochin and even further South upto Cape Camorin. In his book, "Saraswat Samaj" Keshava Kudwa observes: "the strip on the Western Coast along the Arabian Sea is sought to be divided into four regions known as Kerala, Tuluva, Haiga and Konkana." According to this, the area from Karwar and South below was called Haiga and beyond Karwar Northwards upto Bombay as Konkan. He calls Gomantaka or Goa as Dakshina Konkan. In common parlance the word "Konkan" is applied to the region covered by the districts of Colaba and Ratnagiri and also to the State of Goa. Some however extend the Southern boundary upto the town of Karwar also. Such is the present claim of the Government of Maharashtra.

101. It appears that from the earliest times Goa, also called Gomanta, is the home of the Konkani language. In the book "Survey of India" (Vol. VII) Grierson observes:—

> "The original seat of the language (Konkani) was Gomanta or Goa, and it is therefore, often called Gomantaki or Goanese."

After the Portuguese conquered Goa there was religious persecution. As a result of the Inquisition started by the Portuguese in about 1541, many of the people of Goa left the place and went Northwards and settled in the Southern parts of Ratnagiri District. Similarly, some went towards the South and settled at Karwar and in the regions round about. It also appears that some moved farther South to Mangalore and to Cochin and even further down. Referring to these persons it is mentioned in the District Gazetteer of South Kanara as follows:

> "These new comers who had thus hailed South from Konkan were naturally called Konkanasthas, or Konkanigas or Konkanis, all of which names mean people of Konkana."

This indicates the place from where they migrated and not the name of the region where they settled. These persons "nevertheless still regard Goa as their motherland", and the temples of their family Gods are located in Goa and they are still worshipped by them. Wherever they went these emigrants naturally carried with

them their mother-tongue Konkani. In this way Konkani language travelled far beyond its original home-land Goa. It would therefore be incorrect to call all that area wherever Konkani is spoken as Konkan.

102. It would not therefore be correct to assume that Konkani is the predominant language spoken throughout the whole of Konkan itself. The terms 'Konkan' and 'Konkani' are not identical in extent. Ordinarily a language is co-extensive with the region where it is spoken and *vice-versa*. But it is not so with Konkan and the Konkani language. Konkan appears to be the name primarily given to the region. The language spoken by the earliest settlers in a part of the region appears to have received the name Konkani.

103. Tradition has it that a section of people originally residing in Trihotra on the banks of the Saraswati river in Videha (Southern part of Magadha) migrated Southwards, came to Konkan and settled somewhere in Goa or Gomanta. These settlers are called Saraswats. It is the language of these people that has developed into what is now known as Konkani. It is further stated that the language originally spoken by the residents of Trihotra was derived from Ardhamaghadhi.

104. In earlier ages there were fewer chances of contact between Konkan and up-country called "Desh" as they are divided by the Sahyadri mountains. Hence there were fewer opportunities for Marathi language to produce any influence over Konkani. For a long time from the days of Mauryan kings, Konkani region was under one rule. With the disappearance of the Chalukyan rule in the 9th century A.D., Konkan came to be split up into two. Northern Konkan was ruled by Silharas of Thana and by the Yadavas all of whom were Kannada kings. They were later followed by the Muslims. But South Konkan passed under another dynasty of Silharas and then under the Kadambas, Bahmanis and Vijayanagar kings, etc. All these kings (except the Bahmanis of Bijapur) were Kannada Rulers. The splitting up of Konkan into two regions coupled with lack of transport facilities in ancient times were responsible for the dialectical differences that arose in course of time between Konkani spoken in the North and that prevailing in the South.

105. After the fall of Devagiri, Bhima Deva, son of the defeated Yadava king went to North Konkan and established himself as an independent ruler. He gave asylum to Marathi speaking people fleeing before the Muslims. The result was that Konkani of the North was appreciably affected by Marathi. As the Konkani of the North alone got modified under the Marathi influence, similarity between Gujarathi and Konkani in the South still persisted. In his elaborate treatise, " La Formation De La Langue Marathe " Dr. Jules Bloch observes :

> " By its geographical features as by its population (the Prabhu, the Koli and the Thakur are met with in Gujerathi as well) the Konkan is related to the region of Surat and to Gujerat .... The influence of the speech of the Desh, particularly strong in the Northern and Central regions conceals this primitive relationship of Konkani with Gujerathi" (o.36)

106. As late as the 17th century the Konkani of the North still retained sufficient individuality specially distinguishable from Marathi as the Northern lialect of Konkani. The contention therefore that the Konkan area was always inhabitated by Marathi speaking people is devoid of any basis. Marathi was not always the language of Konkan. It was forcibly imposed on the Northern section of the Konkan first by the Marathas and then by the British.

107. In the book entitled " *Linguistic Survey of India,*" Vol. VII, G. A. Grierson observes : " ' Konkani ' is the language of Konkan, South of Rajapur." This indicates that the language spoken to the North of Rajapur is not Konkani although that region is called Konkan. This stands corroborated by the fact that out of a total population of 17,11,964 in Ratnagiri District as recorded in 1951 Census, only 1,417 speak Konkani. Even these Konkani speaking people are concentrated in the taluks lying to the South of Rajapur. In respect of Sawantwadi Taluka and Vengurla Petha (which are closest to Goa) the population in 1951 was 1,14,291 and 79,215 respectively. The total population of these two talukas together comes to 1,93,506. Out of them 1,60,480 speak Marathi and only 886 speak Konkani. Similarly, in the Kolaba District, the total population is 9,09,083. Of them, 8,46,996 speak Marathi, 1,795 speak Konkani and 1,095 speak Kannada. This shows that even in the districts which are generally

known as Konkan, Konkani language is spoken by very few persons.

108. In this connection it would be interesting to note that the word " Konkanis " is used to denote a section of the Muslim community, also known as Konkani Mussalmans (*vide* Gazetteer of the Bombay Presidency—Ratnagiri District—Vol. X—page 132). They are said to be settlers originally hailing from Arab and coming from Euphrates valley about the year 700 A.D. They are generally found near Chiplun and along the shores of Bankot creek in the Northern part of Ratnagiri District. They do not speak Konkani and are in no way connected with Konkani as a language. Similarly ' Konkanasthas ' is another such term which denotes the Chitpavan Brahman community. " Parasurama Hill, near Chiplun, is the headquarters of the caste." They do not speak Konkani. " In their homes they use a peculiar dialect in many respects not easily followed by Marathi speaking Deccan Hindus. Out of doors they speak pure Marathi differing from that spoken in the Deccan only by the more marked pronunciation of the nasal sound, Anuswara ".

109. The case of the Maharashtra Government is that the talukas of Karwar, Haliyal and Supa are a part of Konkan, which they choose to call a Marathi-Konkan area of the Canara District. They first put forward the theory that Konkani is not an independent language, but a dialect of Marathi, having no script. At the same time, they appear to be well aware that it is difficult to establish this proposition.

110. In fact this is a hotly controversial point. Scholars, Historians and Linguists are sharply divided and some hold views, which are almost diametrically opposite to those of some others. There are three schools of thought. Broadly speaking if one puts forth the view that Konkani is a dialect of Marathi, there is another which asserts that Marathi is derived from Konkani and there is a third which maintains that Konkani is an independent language, having no kinship with Marathi.

111. After the migration of the people from Goa (owing to the Inquisition by the Portuguese) wherever they settled, Konkani language spoken by them came to be influenced by the language of the region. The language of all

those who went to the North of Goa naturally came to be influenced more and more by Marathi. Marathi words and forms got infiltrated into Konkani and for want of an independent script for that language, Konkani came to be written in Marathi. For these reasons the differences between Konkani and Marathi gradually disappeared. It is, therefore, no wonder that Marathi people began to feel that Konkani is a form of Marathi language and called it a dialect of Marathi. But it should be noted that Konkani language in Goa retained much of its old characteristics although it also has been considerably influenced by the Portuguese language (the language of the Ruers) for over 400 years.

112. After a deep and thorough study of the question, Dr. S. M. Katre, Professor of Indo-Aryan Philology has reached the conclusion (expressed in his book, "*Formation of Konkan*") that Konkani is a separate language from Marathi and not a dialect of the latter. In his opinion (page 154)—"Konkani is derived from the South Western Prakrit, traces of which are seen for instance in the Girnar version of Asoka's edicts." There are many other scholars also who voice the same opinion that Konkani is not a dialect of Marathi.

113. In the Madras District Gazetteer (South Kanara) a reference is made to the Saraswats who have migrated from Goa. It is observed :

> "It (Konkani) is believed to be the corrupt form or a dialect of Marathi, but in fact it is neither. It is a direct offshoot of the Eastern Magadhi Prakrit and is thus cognate with Eastern languages of North Indian States of Mythili, Bengali, Bihari and Uriya, while Marathi is derived from the South Western Maharashtra Prakrit ....
>
> With the encroachment of Marathi in Konkan in the 13th and 14th centuries, Konkani came to be looked upon as a vulgar dialect of Marathi and eventually lost its place as a literary language which it never since regained."

After comparing the grammatical mechanism of Konkani language with that of other Aryan languages, Dr. Dalgado, another authority on this subject, concludes that Konkani belongs to Gauryan group. He observes that "Konkani is an Aryan language, inflexive and non-Dravidian. It resembles much the Balabhasha. It is less distant from Sanskrit in grammatical organisation and vocabulary than Marathi. It is not a dialect or corruption of Marathi

.....It is more close in phonetic structure to the Gauryan languages from the North mostly Bengali.

114. Shenai Goibab is another scholar of Konkani, who maintains that it is an independent language. He is a Goan himself and has written a valuable book entitled "Konkanichi Vyakarani Bandavala (ಕೊಂಕಣೀಚ ವ್ಯಾಕರಣಿ ಬಾಂಧಾವಳ). His conclusions are based on a study of Sanskrit derivatives (or Tadbhavas). He avers that they are more numerous and in purer setting in Konkani, than in any other Indian language. He claims that 'Konkani' is as independent a language as any other language derived directly from the vedic sanskrit.

115. Apart from the opinions of scholars and historians as noted above, the opinion of the Konkani speaking people themselves is also contrary to the view taken by the Government of Maharashtra. The third Konkani Conference held at Cowasji Jahangir Hall, Bombay, in 1942, voiced forth :

> "That the Konkani language is an independent language and not a dialect of Marathi language."

At a subsequent Conference held in Karwar in May 1961, a resolution was passed expressing the same stand.

116. In the census enumerations, Konkani is treated as an independent language and shown separately from Marathi. The significance of this fact is sought to be watered down by the Maharashtra Government by saying that this separate enumeration is only from 1931 onwards and that prior to it Konkani was treated as a dialect of Marathi. This overlooks the better light thrown on the problem by later investigations and findings and the most recent conclusions of the Government, which remain unchanged even to this day.

117. In the course of our discussions the Representatives of Maharashtra seemed to rely on the observations of G. A. Grierson in the Book, "*Linguistic Survey of India*"—Vol. VII—in support of their stand. That writer is of opinion that Konkani is a dialect of Marathi and not a separate language. One of his main grounds for this conclusion is that both Marathi as well as Konkani have been derived from the common parent 'Prakrit'. Govinda Pai, a Linguist, a Research Scholar and a Poet Laureate of

Madras refutes this theory of a common Prakrit being the parent of both these languages. In the Article (written in Kannada) entitled "About our Forefathers" contributed by him to the Silver Jubilee Souvenir of the Gowd Saraswat Brahman Sabha in 1959, he deals specifically with this topic. According to him the Saraswats who brought this Konkoni language with them to Gomanta, came from Trihotra (on the bank of the Saraswati river) in Videha, which was then the Southern part of Magadha Desha. The language of these people was derived from Magadhi and Ardhamagadhi languages; but Marathi language is derived from Maharashtra-Prakrit. Maharashtra Prakrit is comparatively of more recent origin. Videha and Maharashtra were wide apart from each other. In his opinion it is not possible that Konkani could have been derived from Maharashtra-Prakrit. He further points out that the earliest book available in Marathi is "*Gnaneshwar*" written by Gnandev in about 1290 A.D. In that Book there are a number of Konkani words. There are many expressions which can be explained only with the aid of the Konkani style of grammar. According to him, this proves not only the existence of Konkani in those early days but also its importance. Govind Pai also refers to the fact that even in those early times many of the edicts and stone inscriptions contained Konkani terms; but no Marathi words are available in those early inscriptions. From these, this eminent scholar and poet concludes that Konkani was an earlier language than Marathi.

CHAPTER XVII

Konkani in Karwar

118. It cannot be denied that Kannada belongs to the Dravidian Family of Languages, while Marathi is derived from Sanskrit which is of the Aryan Family. On this ground the Chief Minister of Maharashtra claims that Konkani is the sister of Marathi. The question is not one merely of parentage and of derivation of the languages. It is whether on this ground the Government of Maharashtra is jusified in claiming that Konkani should be considered as Marathi for purposes of linguistic homogeneity. Both Kannada and Tamil come from the same (Dravidian) Family of languages. In fact old Kannada and old Tamil have very much in common. Referring to them, an eminent living Scholar and Historian seriously questions—"Will this be a valid argument for the D.M.K. leaders to arrogate for themselves a large part of Bangalore where there is a perceptible section of the people talking Tamil?" It may be noted that this section of Tamilians comes to 30 per cent of the total population of Bangalore City. He goes on to observe: "Old Gujarathi, Old Konkani and Old Hindi have very many words in common; and all the three, according to me, seem to have originated from a common mother. But I have not come across any man, who because of the above affinity, would plead for the amalgamation of the above three languages, Gujarathi, Konkani and Hindi."

119. Whatever the resemblance Marathi has to Konkani language spoken in the regions to the North of Goa it cannot be overlooked that Konkani spoken in Goa proper is much different and bears little resemblance to Marathi. In the regions lying to the South of Goa, Konkani language came under the influence of Kannada. The impact of the latter on Konkani language is still greater. Many Kannada words and forms got infiltrated into Konkani. This is supported by the conclusions arrived at by Dr. Katre in his book "*The Formation of Konkani*" (page 156).

> "Thus the dialects spoken in the two Kanaras (*i.e.*, districts of South and North Kanara) drew upon Kannada for fresh vocables; ....

While the settlers in Maratha country drew upon Cognate Marathi to enrich its own vocabulary."

120. Even before the advent of the Portuguese, Kannada was already adopted as the script for writing Konkani in Goa. Settlers in the district of Kanara (undivided) adopted Kannada itself as the script for writing Konkani. The result was that Konkani spoken in the District of Kanara came to be quite different and unlike the original Konkani and quite remote from that spoken in the home region of Goa. It is still further remote from the Konkani that is spoken in the northern regions, namely, in the Districts of Ratnagiri and Colaba. It follows, therefore, that there is hardly any resemblance between the Konkani spoken in the district of Kanara and the Marathi language. Discussing about the Konkani language of the Districts of Karwar, Reverend John Wilson observes in his article on "*The Tribes and Languages of the Bombay Presidency*" (Published in the Indian Antiquaries—Vol. III, page 221—1874):

"The speech of this district differs from Marathi as much as Gujarathi differs from Marathi."

Hence there is little force in the argument of the Government of Maharashtra that Marathi and Konkani are alike, on the ground that they are sister languages being derived from a common prakrit.

121. Even assuming that there is a greater resemblance between Marathi and Konkani (which cannot be admitted in so far as the Konkani spoken in the districts of Kanara is concerned) it is no justification for claiming that the area should be included in Maharashtra. The most important point for consideration is whether the inclusion of these three talukas or parts of them, as claimed by the Government of Maharashtra, is calculated "to serve the better convenience and interests....of the affected people."

122. In this connection a specific question was put to Shri Y. B. Chavan, Chief Minister of Maharashtra, in the course of the meeting held in Bombay on 7th August 1961. Shri S. S. Malimath asked him if there are any special advantages to be gained by the Konkani speaking people living in Karwar, Supa and Haliyal talukas if these areas are included in the State of Maharashtra. "It is

not that there are any special advantages but there would be linguistic homogeneity" was the reply of the Chief Minister. He was further requested to clarify by viewing at the question in an objective way and state what would be the good that would be offered to those people by the inclusion of these areas in Maharashtra State. His reply then was that it would conduce to better cultural development and added that the people of those areas go to Bombay for trade and other purposes. Even with these clarifications it is hard to see how the transfer of these areas is calculated to do any good to the people transferred to the other State. Cultural development is too vague a term and it cannot be said that it is impossible to achieve the same if the areas remain where they are.

123. The considerations of good to the people to be transferred do not appear to be dominant in the mind of those who are making a claim for the area concerned unless it is supposed to be a necessary implication that in every case where an area is sought to be transferred on the ground of linguistic homogeneity it has to be presumed that it is for the good of the people concerned. Even assuming that such a presumption is justified where the same language is spoken it would be wrong to stretch that presumption to those areas where the language spoken is different and where mere kinship is claimed which is also of a doubtful nature as above observed.

124. Konkani language has come to be associated with (if not influenced by) Kannada language, since many centuries. It has already been mentioned that even prior to the acquisition of Goa or Gomanta by the Portuguese, that region was under the rule of Kannada Kings—The Kadambas, the Sonde Kings, the Vijayanagar Kings, etc. The Kannada family of the ancient Kings of Sonda is still residing in Bandewadi, or Bandora more or less as Jagirdars. Kannada was the official language of Goa. Banwasi was Capital of the Kadambas. That place as well as Sonda or Swadi both lie in the Sirsi Taluka of Karwar District. The language of those Kings and of the Emperors of Vijayanagar was Kannada. In the book entitled, "*A Short History of Goa*" written by C. F. Saldanha, it is mentioned :

> "Many ancient documents of Goa are found in Brahmi script, others in Sanskrit, as it was literary language of the Aryans, and some of the registers of our village communities

are found written in Canarese characters as that was the official language of the Canarese Kadamba Kings of Goa, and was commonly used in the Commercial transactions of the period."

125. The Saraswats, the Shenvis and other important commercial communities "put their own mother tongue (Konkani) into Kannada characters. All correspondence was written in Konkani language but in Kannada characters. All accounts were written in Konkani language but in Kannada characters. Saraswats had trade connections throughout the coast and this language developed this form throughout the West Coast. . . . Kannada words commenced to be incorporated into this language since this time. . . . The Portuguese at their earliest entry found many literates, commercial magnates and a peculiar language in force in Goa. The script of the language was Kannada. Yet the language of the script was not Kannada" (*Vide* Memorandum on Konkani language by S Silva). It appears that the Portuguese were so much impressed by the prevalence of Kannada that they not only called the Language Canarin or Canarina but they called most of the people who were non-brahmans of Goa by the words Canarins, to whom both Portuguese and Marathi languages were beyond their comprehension.

126. The use of Kannada script is not merely a matter of ancient history. But it is also prevalent even to this day. Although Kannada rulers left the region of Goa and although the Portuguese Government and the Christian community spread their influence considerably not only over that area but also over the Konkani language, the use of Kannada script for Konkani language has withstood all such onslaughts. Marathi language has no doubt shed its own influence on Konkani language particularly in the areas of north of Goa to some extent. It is not surprising that Balbodh script, which is the script of Sanskrit language should get preference as a vehicle for Konkani language since Sanskrit is respected as the originator of Konkani. Such a feeling might have prevailed and to some extent Balbodh or Marathi script might have come to be used by some for writing Konkani lasguage. But even these sentiments and other influences referred to above have not succeeded in rootng out the influence and use of Kannada language and of Kannada script for Konkani language. It is a matter of surprise that even

to this day Kannada script holds its field as a popular vehicle for Konkani language. This is evident from the fact that in a cosmopolitan city like Bombay where there are Konkani people from all parts of the western coast, newspapers and magazines are run exclusively in Konkani language to cater to the needs of this Konkani people. They are in Kannada script even to this day. It would not be out of place to mention a few of them from their current year's publications here: "*Poinnari*" is a magazine printed at Sundar Art Printing Press, Frere Road, Bombay. It is estblished in 1950 and claims to be "India's foremost Konkani Newspaper." "Zhelo" is a Konkani fortnightly magazine published at Agra Road, Kurla, Bombay-17. "*Vishala Konkan*" is another weekly news Magazine in Konkani printed at 342, Grant Road, Bombay-7. "*Mithra*" which is another Konkani language weekly is published at Bombay. It claims "largest Readership of any Konkani news magazine." All these publications are printed in Konkani language but in Kannada characters obviously because the reading public is mostly conversant with Kannada script. This indicates either the influence of Kannada on Konkani language or the association of Konkani speaking people with Kannada language. It is surprising that Kannada should be holding so much sway over the Konkani language even in a place which is the Metropolis of Maharashtra State. These facts take the wind out of the sails of the contention of the Government of Maharashtra that Konkani has affinities with Marathi.

127. Apart from the foregoing newspapers, we have come across a Greeting Cart containing 12 edicts of Saint Maria Margaret (App. C). They are in Konkani language but in Kannada script. On the back of the card a Heart shaped pot and a glow that is proceeding from it is shown with a Cross at the top. Below this is a print in English. The surprising part of it is that it appears to have been printed by C. A. Kemper, Dayton-O (N. America). Obviously this card is intended to be distributed and published in India amongst the Christian Communities speaking Konkani language. The publishers must have thought it fit that if it is printed in Kannada script it would have greater publicity amongst the Konkani speaking people. This again shows the same points above referred to.

128. It is material to note that the region South of Goa on the West Coast, right from Karwar to Kasargod, was called 'Kannada' or 'Canara' not only by the British but by almost all foreigners who came to India. After the acquisition of the region by the British on the fall of Tippu in 1799, this area was formed into one District called the district of Canara. Later on, in the year 1862, it was divided into two districts—The South Canara and North Canara. The latter district was then joined to Bombay Presidency with Karwar as its headquarters. Since the beginning of the 18th century when this area came under the British Rule, the official language and the language of the Courts of this area has been Kannada. Even after the formation of the two Districts—South Canara and North Canara—the official language of both the districts has all along been Kannada. That does not mean that Kannada was forced on an unwilling people. The British would never have done this, as that would invite an opposition. Kannada was introduced as an official language because it was widely known by most people in the district. The figures of the 1951 Census show that the total population of North Kanara District was 5,17,780. Out of them, 2,83,024 have Kannada as their mother tongue; 1,53,737 speak Konkani and only 36,330 speak Marathi, while a little more than this number, namely, 36,986 have Urdu as their mother tongue. The percentages of people speaking the above four languages work out at 54, 30, 7 and 7.3, respectively. This shows how slender is the proportion of the Marathi speaking people in the District.

129. Apart from the Kannada population, most of the Konkani speaking people also know Kannada. At the time of 1951 Census people were asked to declare their subsidiary language. Out of a total of 1,53,737 Konkani speaking people, 74,156 have declared their subsidiary language. Out of them 68,716 have declared Kannada as their subsidiary language while 5,210 only have declared Marathi as such. This not only shows that most of the Konkani speaking people knew Kannada but it also indicates that their leaning is more towards Kannada than towards Marathi. This goes counter to the theory of affinity put forth by the Government of Maharashtra.

130. In amplification of the above statement it may be mentioned that there are several communities in Karwar who speak Kannada outside their homes although inside they speak Konkani. Some of such communities are Sasashtikars (they learn Hymns from Mahabharatha turned into Kanarese by Jaimini), Shenvis or Sarswats, Kudala Deshkars (Read and write Kanarese), Narvekar Vanis, Pednekar Vanis, Guruvas, Aigals, Sheregars, Padtis, Atte Vakkals or Kumbis (sing marriage songs in Kanarese), Kasars or Kanchugars, Bhandaries, (some), Komarpaiks, Chaudris, Bhois, Harakantras, Konkan Kharvis, Mogers, Haller Vajantries, Konkani Madivals, Konkani Kelasis, Mhars, Bambans and Charodas (Christians) and Navaiyats.

131. Some of the communities which speak Marathi at home and Kannada outside are Arers, Are Marathas or Kulwadis, Dhangars, Gowlies or Konkani Cowherds, Kasais and Dhors.

132. If we take into consideration the people speaking other languages, Kannada is the subsidiary language of most of those people also. From the figures of the Census of 1951 it will be seen that out of 36,330 Marathi speaking people more than 1/3, that is, 12,179 people have declared Kannada as their subsidiary language. Similarly, out of 36,986 Urdu speaking people, 14,115 have declared Kannada as their subsidiary language. The total number of all such people that know Kannada comes to nearly a lakh. All these pople have practically adopted Kannada for their daily use. The total number of persons conversant with Kannada therefore comes to 3,82,282. This shows that 73.96 per cent of the total population of the district know Kannada and can use it for the purpose of every day life. Nothing can be a clearer proof than this to show that the linguistic complexion of this district is decidedly Kannada.

133. The erstwhile Government of Bombay reconstituted the Revenue Division of Karwar including the three talukas of Karwar, Supa and Haliyal alone and removing from that division Ankola Taluk. This was done a little prior to the Reorganisation by G.O. No. NES (CDB) 1056-GE dated 30th April 1956. By reason of this order the three taluks which are now claimed come handy within that Revenue Division. It would be interesting to work

out similar figures as above in respect of the Revenue Division of Karwar only, as that area is the one that is claimed by the Government of Maharashtra. The total population of this Division is 1,33,219. Of them 27,517 speak Kannada while 61,475 speak Konkani and 12,725 speak Urdu. The biggest linguistic group is, no doubt, Konkani. Still their percentage comes to 46.22, quite less than half the total population of this Revenue Division. Besides, Konkani language has no script of its own and it cannot be given the status of an official language for administration purposes.

134. Although the number of the people speaking Marathi is shown as 31,326, most of them are found to be speaking a language known as 'Kulawadi', which in the course of the 1951 Census has come to be recorded as Marathi. This 'Kulawadi' is a mixture of Kannada, Konkani and slang Marathi. Hence it is not correct to treat it as Marathi. It is a language spoken mostly by the agricultural class in Haliyal and parts of Supa Talukas. While most of them speak Kannada, all of them understand Kannada. These Kulwadis are also known as Are Marathas. About them it is observed in the Gazetteer of Kanara (Vol. XV-Part I—page 244-245) thus :

> "They are divided into two sections, one of which speaks corrupt Marathi and the other Kanarese. Those who speak Marathi mix with it a large number of Canarese and Konkani words and those who speak Kanarese use many Marathi works. Some who live near towns can read and write Kanarese."

Even including these people with the Marathi speaking, the total figures work at 24 per cent. According to Maharashtra Govermnent Letter No. SR/BRA-1061-C-12281 GAD dated 27th December 1961 a language spoken by 30 per cent or more is to be treated as bi-lingual for recognising it as an official language. In this particular areas, namely, Karwar Revenue Division, Marathi does not deserve that status even.

135. Unfortunately the figures relating to the subsidiary language are not available in respect of each taluk separately. We therefore choose to calculate the subsidiary language figures by working them on *pro-rata* basis for the above said Karwar Revenue Division from the subsidiary language figures given for the district. In

that way it works out that out of 61,475 Konkani speaking people in this Division Kannada appears to be subsidiary language of 27,488 people. Similarly, out of 31,326 Marathi speaking people in this division, Kannada appears to be the subsidiary language of 10,498 people. But since almost all those who speak Kulawadi know Kannada this figure is bound to be much bigger—say 25,000. But as we have no reliable statistics available in this behalf, we cannot work upon any such figures as basis. So also, out of Urdu speaking people who number as many as 12,725 in this division, 5,200 should be having Kannada as subsidiary language. Adding to these the Kannada speaking people whose number is 27,517 in this division the total persons knowing Kannada for all practical purposes comes to 70,703. This works at 53 per cent of the total population of this division. These figures clearly show that the linguistic complexion of this division is Kannada even if this division alone is considered separately.

CHAPTER XVIII

Cities

136. The Government of Mysore claims that the question of Cities should be considered on a separate footing. Their contention is that they cannot be allotted to a State merely on the basis of linguistic percentages. According to them a City should be included in the State in which the bulk of the rural area surrounding it is included. This special consideration may be applicable to the important cities like Belgaum, Nippani, and Karwar. Dealing with this stand the Chief Minister of Maharashtra states that the only distinguishing feature in respect of cities is that the cities are more likely to have elements of minorities other than the two main contesting language groups. This distinction, according to him, does not justify a separate criterion being applied in the case of cities. It is not merely the formation of more minority groups in a city, but it is the gravitations that attract various people to the cities whether those attracted are from minority groups or majority groups within the city. Purposes of trade, industry, various professions, amenities like Educational Institutions, Hospitals, etc., attract people to the cities. The people thus attracted will not necessarily be in proportion to the linguistic complexion of the immediate surroundings because the people attracted may be from areas far beyond that.

137. If for instance we look to the case of the City of Bangalore which is the capital of the State of Mysore we find that the largest linguistic group in the city is not Kannada as one shoud ordinarily expect. According to the 1951 Census the percentage of Kannada population within the limits of Bangalore Corporation is 23.73, while that of Tamil is 31.69. This higher percentage of Tamil can only be accounted for on the ground that Bangalore is a City that attracts numerous persons of various callings. If Bangalore was a smaller unit of the size of a village or a small town, Kannada percentage would certainly have been higher than Tamil and possibly it would have been at least more than half of the total population. The above illustration will show how a city is capable of attracting people belonging to other language groups, thus materially altering its linguistic complexion.

138. In view of the above, the Government of Mysore has suggested that a city should be included in the State in which the bulk of the rural area surrounding it is included. In the view of the Chief Minister of Maharashtra " What is exactly meant by rural area surrounding the City " is not made clear. It is certainly difficult to give a definition of the term in precise words. It possibly indicates all that surrounding area which may be under the sphere of influence of the city. Assuming that there are educational institutions like High Schools or Colleges, Hospitals, etc., in a City they are supposed to cater to the needs not only of the city but also of a particular area round about the city. If it is a market centre, agricultural produce grown in the villages around it will be pooled in the market for export. The allusion is to such surrounding areas on which city exists and the area which depend upon the amenities provided by the cities.

139. According to the Chief Minister of Maharashtra there is no ground whatever for distinguishing between city and village in regards to allocation to a particular State. Apart from the fact that this argument overlooks the essential cosmopolitan development of the cities in the past, it also overlooks the possibilities for its future development. A city not only develops its roots in the surrounding areas but also stands in need of the area for its very life and for its development. The development of a city is largely dependent on the contributions made to it by the surrounding areas. The economic life of a city is inter-dependent on that of the surrounding areas. Shorn of its surrondings or even a substantial part of it, a city may wane and wither. It would not therefore be prudent to tear away a city from such surroundings as that may do harm not only to its surroundings areas form which it is torn but also to the city which is thus torn away.

140. While refuting the arguments of the Mysore Government that development of such local institutions like District Central Co-operative Bank and other District-wise organisations, (apart from Colleges, Hospitals) cannot be cut off from surrounding areas, the Chief Minister of Maharashtra argues that assets belonging to such institutions can be divided easily according to the well established principles about allocation. It may be that the assets of such institutions may be divided but

the life of the institution—particularly of those which are developed by or with the public co-operation—will be torn off and for aught we can imagine they may wane and wither sooner than later.

141. In addition to the general considerations discussed above there are certain special considerations also which may be discussed here as being of general importance. One of them relates to Belgaum. The City of Belgaum along with the whole of the District of Belgaum, was included within the jurisdiction of the Karnatak Provincial Congress Committee when that Division in the Congress Administration was created on linguistic basis in the year 1921. The significance of this inclusion can be seen if we compare the question of Bellary District. Portions of that district were at that time claimed by Andhras. An eminent Congress leader of the stature of N. C. Kelkar was then appointed as an Arbitrator who gave an award that 3 of the 9 talukas should be cut off from Bellary District and should be included within the Andhra Province for purposes of Congress administration. But the fact that not a single voice was raised against the inclusion within the jurisdiction of the Karnatak Provincial Congress Committee of the Cities of Belgaum or Nippani or of any of the areas in the Belgaum District, as now claimed, is a significant factor. The least that it indicates is that it was undisputed that the whole of Belgaum district including the two cities was clearly a part of Karnataka.

142. The Indian National Congress was decided to be held in Karnatak, for the first time in 1924. Besides it had the unique privilege of being presided over by the greatest son of India Mahatma Gandhi. When the question arose as to the city in which the Congress should be held, two rival claims were put forth, *viz.*, Mangalore and Belgaum. The ultimate decision was in favour of Belgaum evidently because Belgaum is a part of Karnatak. There was no dissentient voice when it was so decided and none said that Belgaum was not a part of Karnatak.

143. In the year 1929, the Marathi Literary Conference was to be held in Belgaum. It aroused suspicion in the minds of Kannada people that it was possibly designed to be the thin end of wedge to push the claim that Belgaum is a Marathi city. There was considerable opposition from

the Kannadigas. To allay their feelings a resolution was actually moved in the Conference by the veteran Marathi Literature and National leader Shri N. C. Kelkar with the concurrence of many Maharashtrians that the District of Belgaum is part of Karnatak and that in this District Kanarese (Kannada) is the predominant language. But unfortunately this part of the Resolution was ruled out of order as being beyond the competence of a Literary Body. It was therefore found necessary that a statement regarding Kannada Marathi controversy should be issued jointly by the leaders of both the Linguistic groups. Such a statement was in fact issued and later published soon after the Conference. It appeared in the issue of Kesari dated 4th June 1929. (Appendix B). It is signed by N. C. Kelkar and N. R. Gunjal, M.L.C. of Poona on behalf of Maharashtrians.

144. In that Statement, it was admitted by the Maharashtrian leaders that the whole of Belgaum district forms part of the Karnatak Province not only linguistically but also culturally. They rightly call this as a recognition of mere truism. Nothing could be clearer than this admission to show that Belgaum City (and even the whole of the District of Belgaum) is a part of the Karnataka Province. Even the President of the Maharashtra Literary Conference who had ruled the Resolution as out of order and many other Marathi leaders who shared with him the views of the Literary Conference came forward to support the above statement and the substance of the resolution, which according to them had to be over-ruled for technical reasons. They published another joint statement expressing their agreement with the inclusion of Belgaum district in Karnataka Province as decided by the Congress. This statement is signed by Prof. Shivaram Mahadev Paranjape, the President of the Conference and 16 other Maharashtrian leaders, at Belgaum on Wednesday the 29th May 1929 immediately after the Conference.

145. According to the Mysore Government "This statement emphasises how inextricably connected the Belgaum District and the City have been with the Karnatak Province." The reply of the Chief Minister of Maharashtra is that the statement was made for a limited purpose and that it "does not distinguish between Belgaum City and the surrounding Marathi majority area

and the rest of the admittedly Kannada District of Belgaum." It is surprising that he wants to turn to account the absence of any such distinction. The mention of the District as a whole without any such distinction only shows that those who were responsible for the statement had no such distinction to make, as now suggested. The admission was categorical and complete that the " District of Belgaum " forms part of Karnatak—without trying to exclude either the City of Belgaum or its Marathi portions.

146. It is asserted by the Chief Minister of Maharashtra that the said statement " has no relevance for the point at present in issue." We are at a loss to know what considerations have led the Chief Minister to make this remark. Whenever a question arises about any right, any transaction by which that right (*viz.*, the claim that the City of Belgaum and even the district of Belgaum is a part of Karnatak) was asserted or recognised is relevant. Besides the admissions by the Maharashtrian leaders, much against their own interest, makes it highly probable that the area is a part of Karnatak. It also makes the present claim of Maharashtra highly improbable. We fail to understand how this can be said to be not relevant to the fact in issue.

147. This declaration is sought to be passed over by saying that it does not bind the people of Maharashtra. In this connection the Chief Minister of Maharashtra is pleased to remark " It is fantastic to suggest that Maharashtra's claim to the Marathi-majority areas of Belgaum District was given away by a Marathi writer thirty years ago .... " This attempt to minimise the importance of the matter cannot lessen the significance and value of the admission. It would not be doing full justice to the eminent position of N. C. Kelkar not only as a great Marathi scholar, writer and journalist but also as a seasoned politician, a respected Congressman and the righthand man of Lokmanya B. G. Tilak. He was undoubtedly one of the accredited leaders of Maharashtra He was chosen by the Congress to arbitrate in the dispute between Karnataka and Andhra about Bellary district. Besides, he was not the only man who signed the statement. There were other stalwarts of Maharashtra who also followed up by a statement which in substance accepted that the District of Belgaum is a part of

Karnatak Province. "What the Chief Minister of Mysore states in reply to the above remark of the Chief Minister of Maharashtra is possibly nearer correct. What the Mysore Government objects is that the Maharashtrians had never any claim for Belgaum and Belgaum District and that there was, therefore, no question of giving up the claim by anybody. On the otherhand, the declaration then made was unequivocal recognition of truth in order to silence the agitation that the holding of the Marathi Conference in Belgaum had then created". If declarations made by responsible leaders and decisions taken by them are lightly treated and allowed to be bypassed there can be no sanctity to the words of any leader and no finality to any decisions taken by leaders of any two disputing groups.

148. The above said statement throws some more light on the inclusion of the Belgaum district within the Karnataka Provincial Congress Comittee in pursuance of the decision of the Nagpur Congress in 1920. It is clearly mentioned in the statement that it was so included "by the common consent of both Maharashtra and Karnataka people". This further shows that at least within the fold of the National Congress Members of both Maharashtra and Karnataka had agreed to it. It was not a case of a solitary Marathi writer giving up the claim of Maharashtrians.

149. In case the cities like Belgaum and Karwar, which also are headquarters of the district, are transferred to another State, large areas of the districts, which are admittedly Kannada, still remain behind. This no doubt creates the problem of finding out suitable places and of creating and equipping them as suitable headquarters. The Government of Maharashtra is of the opinion that it is not an impossible task and rightly refrains from making any suggestions in this behalf—possibly for reasons of propriety and also because it is the headache of the Mysore Government. The question is not whether an alternate place for district headquarters can or cannot be found—but at what cost. A place like Karwar, at any rate, will have no chance of becoming a District headquarters in the State of Maharashtra. All the buildings will have to lie waste. But Mysore will have to build two District headquarters at enormous costs. It is thus a double loss to the Nation. The question is whether

such a transfer entailing all this is necessary and justified. There is no answer to this, unless it be that the transfer enlarges the field of linguistic homogeneity. This homogeneity is only a means and not an end in itself. It cannot be said that it is the only means to achieve the end of serving the good of the people and of their economic betterment. So far as the City of Karwar is concerned it will be definitely reduced to a position of insignificance. Similarly Belgaum may not continue to have the same importance in Maharashtra as it now has in Mysore. Its trade and commerce are likely to suffer considerably.

150. If the City of Nippani is transferred to Maharashtra, it will be cut away from its surrounding villages which feed its markets with agricultural produce. Another marketing Centre may be developed for the areas in Mysore. In the State of Maharashtra there are important trade centres like Kolhapur, Jaisingpur and Sangli close by. Hence there will be little scope for the development of the trade at Nippani. In all probability Nippani will lose not only its trade but also its importance.

CHAPTER XIX

Bidar District—Whether divided by Agreement

151. The former State of Hyderabad was composed of areas where three different languages were spoken. Accordingly at the time of Reorganisation, the State was trifurcated and some districts were allotted to Bombay State, some to Andhra and some others to Karnataka. The district of Bidar was also a multi-lingual district in which Marathi, Kannada, Urdu and Telugu were spoken and none of them had an absolute majority. In their report, the States Reorganisation Commission had however proposed that the entire District of Bidar should be joined to Andhra State. They observed:

> "Consistently with our general view that districts schould not be broken up, except when compelling reasons for doing so exist, we have recommended that Bidar should not be disintegrated merely in order that linguistic claims in the North-west or in the South may be respected. We consider that it should remain with the residuary State of Hyderabad."

This recommendation was opposed in the Hyderabad Assembly both by the Members from Marathi areas as well as by those from Kannada areas of the District when the report of the States Reorganisation Commission was discussed by that Body. There was a strong agitation against the inclusion of the district of Bidar in Andhra Pradesh not only from the Kannada public of Bidar District but also from those of the neighbouring districts of Raichur and Gulbarga. Similarly there was an opposition from the Members of Marathwada. Ultimately it was decided by the Hyderabad Assembly that the district of Bidar should be trifurcated and distributed between the three linguistic regions. Out of the 9 talukas of Bidar District 2 were allotted to Andhra Pradesh, 3 to Maharashtra and the remaining 4 to Karnataka. At the early stages, the proposal was that these 4 Kannada taluks namely, Bidar, Humnabad, Bhalki and Santpur (Aurad) should be added on to the District of Gulbarga. But the public feeling was particularly insistent that Bidar ought not to be forced to lose its former status and that it should be retained as a separate district. It was therefore unanimously agreed that Bidar should be continued

as a district. This proposal made by the Hyderabad Assembly ultimately received the assent of the Government of India and of the Parliament.

152. The Government of Mysore have raised a plea that the allocation of the areas of the original Bidar District as between the three States should not be re-opened for the reason that the same was the result of a common agreement. The Government of Maharashtra does not agree that such was the case.

153. It is not disputed by the Government of Maharashtra that the trifurcation of the district of Bidar and the apportionment of its talukas as abovesaid, between the three linguistic regions was a matter of common agreement in the Hyderabad Assembly. What they seem to urge is that the Marathwada Members of the State Assembly were not agreed in respect of some of the villages which were allotted to Mysore as parts of the four talukas that remain in Bidar District. The case of Mysore Government appears to be that when it was agreed that the four specific talukas should remain in Bidar District which was to go to Mysore, it was implicit therein that all the villages constituting those talukas were agreed to be allotted to the new State of Mysore. It is this nice and slender distinction between the two versions that is the subject matter of the present dispute.

154. As already mentioned, the original proposal of the States Reorganisation Commission that the entire district of Bidar should go to Andhra was opposed very strongly both by the Kannada as well as Marathi sections of the old Hyderabad State. It was well known that the Government of India was not going to allow any changes to be made in the recommendations of the States Reorganisation Commission, unless they were unanimous and mutually agreed to between the parties concerned. Alive to this requirement, it is quite likely that the Members of the Hyderabad Assembly must have strained every nerve to evolve a solution agreeable to all the three linguistic groups. It is an admitted fact that ultimately they did succeed in bringing about a common agreement as above said. The only question is whether that agreement had any reservations as sought to be made out by the Government of Maharashtra.

155. The proposal contained in the States Reorganisation Report, first published on 30th September 1955, to the effect that the entire district of Bidar should go to Hyderabad was opposed in the Hyderabad Assembly. In pursuance of the agreement that the District of Bidar should be trifurcated and joined to the three linguistic regions, the States Reorganisation Bill appeared with a proposal the effect of which would have been the dissolution of the original district of Bidar and apportionment of its talukas in the three regions. In that event the status as a separate district for Bidar was to be lost. Protesting against this proposal on 30th March 1956, the District Congress Committee of Bidar passed a resolution in the following words :—

> "Therefore the District Congress Committee requests the Government of Hyderabad to move in the matter immediately before the Bill is introduced in the Lok Sabha and recommend to the Government of India to retain Bidar district with the inclusion of necessary adjacent areas of Gulbarga district ...."

This resolution further contained an appeal to the people of Bidar to control their passions and to get justice done only through peaceful means. It is claimed that the District Congress Committee was then composed of members from all the three linguistic groups in the district and that the resolution was unanimously passed.

156. It is significant to note that when this resolution was passed the President of the District Congress Committee was a Maharashtrian hailing from Ahmadpur which was then part of Bidar District and which after Reorganisation has been transferred to Osmanabad District now in Maharashtra State. He was then practising as a Pleader in Bidar and is now at Ahmadpur after the Reorganisation of States. Even such a person was a willing party to the resolution which confirms the version that all the linguistic groups, including the Maharashtrians, had agreed with the matter of the resolution.

157. It appears that by about 10th April 1956 the general discussion on the States Reorganisation Bill was completed in the Hyderabad Assembly and a resolution was moved generally approving the Bill and the general purposes underlying it. Thereafter the amendments proposed to the Bill were considered. It appears that even after a common agreement was reached in respect of the

trifurcation and the talukas to be allotted to the three linguistic States, a difficulty was disclosed in respect of the way in which the proposal was to be worded. Mentioning the areas which were to be allotted to Karnataka from out of the old Hyderabad State, it was stated :—

"Gulbarga District (except two talukas), Raichur District (except two talukas) and Bidar, Bhalki, Humnabad and Santpur (Aurad) talukas of Bidar District in the existing State of Hyderabad."

Referring to the above, the Chief Minister of Hyderabad observes as follows :—(*Vide* page 1989—Hyderabad Assembly Debates—Vol. I—Part II).

"Here it has been clearly shown that these talukas will be included in Karnataka. There is no difference of opinion about them. They will join Karnataka."

.. .. ..

"The position of Bidar District is that it is being disintegrated. Just as Hyderabad State as being one unit is being put an end to, so also Bidar is being dealt with to lose its character of a district. The public of Bidar have a grievance about this. So far as Hyderabad is concerned, the whole State is being disintegrated. Hence it cannot remain as a separate unit. But when a district is being divided into three parts, its inevitable result should not be such as to prevent any part from remaining as a district. Bidar should be divided in such a way as to help retention of the remaining portion of Bidar as a district. If the Government or the members of the Assembly or the public had worked for the division of Bidar, it does not mean that Bidar should not be retained as a district and that it should be broken into parts to be included in different districts. It was not the desire that Bidar should not continue as a district. For this reason the proposal submitted is this :

'In Clause 7, in para (c) of sub-clause (1), for the words "Bidar, Bhalki, Humnabad and Santpur (Aurad) talukas of Bidar district', the words, 'Bidar district, excluding Ahamadpur, Nilanga, Udgir, Narayankhed and Zahirabad talukas shall be constituted.

If Bidar District is retained after excluding the portions to be excluded Bidar District shall remain as a district unit as at present. This is the desire of all of us. There is no difference of opinion from any corner or part of the House. Possibly there may be difference of opinion in some other connection.

But there is no difference of opinion in this regard. For this reason I have submitted a non-controversial matter in official proposal" (—Translation from Urdu—).

158. It may be noted that according to the amendment proposed by the Chief Minister of Hyderabad, Bidar was to retain its status as a District while the talukas Ahmadpur, Nilanga and Udgir were to go to Maharashtra and the talukas of Narayankhed and Zahirabad were to go to Andhra. It may be mentioned here that this amendment was duly accepted by the Hyderabad Assembly.

159. It is thus evident that from the proposals contained in the States Reorganisation Commission's Report about Bidar three important changes were made in the Hyderabad Assembly, namely, (1) that the entire district should not be kept as one unit but it should be divided into three linguistic parts; (2) that out of 9 talukas of Bidar District, two should go to Andhra, three to Marathwada and four talukas [Bidar, Bhalki, Santpur (Aurad) and Humnabad] to Karnataka; and (3) that even after the partition, the status of Bidar as a district should be maintained (with or without adding some more talukas from the neighbouring district of Gulbarga). As already discussed none of these alterations would have been allowed by the Government of India unless they were unanimously and mutually agreed to between the parties. That they were so agreed to is apparent from the speech of the Chief Minister of Hyderabad (passages from which have been translated into English and quoted above).

160. It appears that in the beginning there were certain amendments to the above and that they were later withdrawn. In view of this the Government of Mysore urges :

> "It can be therefore safely concluded that the inclusion of the present area constituting Bidar District and Aland Taluka of Gulbarga District was consistent with the recommendations of the Hyderabad Legislative Assembly."

That was, according to them, a result of an agreement between the members of the three linguistic groups. But the Government of Maharashtra does not agree with this conclusion. According to the Chief Minister of Maharashtra, " after discussions, an agreement was reached on the basis of circles between M.L.As. from the Telengana and Marathwada regions but no such agreement could be reached with M.L.As from the Karnatak area. Since the changes in the States Reorganisation Bill were going to be considered only if they were unanimous and as unanimity could not be obtained so far as these tracts are concerned,

pertinent amendments were not pressed." We have not been informed as to what other basis he has in respect of this averment other than the Debates of the Hyderabad Legislative Assembly. The Debates do not disclose a with-on the ground suggested. We have already discussed the general principles that were placed before themselves by the Government of India in regard to any alterations to be made in the States Reorganisation Commission's recommendations. A unit below the level of a district was only to be permitted under special circumstances. This rule was followed in the case of Hyderabad State also. In a few special cases division was permitted even on the basis of circles as units. One of the main conditions for such a transfer was that it should be absolutely unanimous and mutually agreed to between the parties concerned. The Chief Minister of Maharashtra, however, mentions that agreement was reached on the basis of circles between M.L.As of Telengana and of Marathwada and that no such agreement could be reached between the M.L.As of Karnataka and Marathwada. We only hope that there is no insinuation that the M.L.A.s of Karnataka region of Hyderabad were particularly obstinate. On the other hand they appear to be as responsive as any of the other two linguistic groups. In this connection we may refer to the observations of the Chief Minister of Hyderabad in the course of his letter dated 3rd May 1956 to the then Union Home Minister Sri G. B. Pant :—

> " ..... the representatives of the three regions in the Assembly came to the unanimous conclusion that even if those areas are lesser than a tahsil or a taluka, they should be added on to the respective linguistic groups ....."

In the course of that letter he quotes a specific instance:—

> " You will recollect that I had proposed the exchange of one Revenue Circle of Bidar District between Karnataka and Telengana. It is proposed that the Revenue Circle of Nyalakal in Bidar Tahsil should be transferred to Zahirabad Tahsil in exchange for Nirna Revenue Circle of Zahirabad Tahsil. This arrangement has been agreed to by all Karnataka, Telengana and Marathwada Members unanimously."

These transfers were conceded because the villages in Nyalkal Circle were likely to be affected by the irrigation project, known as Devnur Project. The fact remains that there were mutual and unanimous agreements for the transfer of these two circles. If under such circumstances

there was no agreement between the M.L.As of Marathwada and Karnataka regions, the possibility is that the claim of the Marathi people was not clearly justifiable as in other cases where there were mutual and unanimous agreement between the opposite parties. If, on the other hand, the opposition of Karnataka Members was improper and unreasonable, Marathwada Members would have brought a check on it by withdrawing their support and consent to other changes favourable to Karnataka—at any rate to the retaining for Bidar the status of a district. It is therefore significant to note that neither the Memorandum of Government of Bombay nor the statement submitted by the Chief Minister of Maharashtra states that there were many specific proposals put forth by the M.L.A.s of Marathwada, in respect of transfer of areas in dispute at the circle level, or that they were unjustly opposed by the M.L.As from Karnataka area of Hyderabad State.

161. The letter dated 3rd May 1956 written by the Chief Minister of Hyderabad to the then Union Home Minister the late Shri G. B. Pant has been specifically referred to by the Government of Mysore to support their contention that there was agreement amongst all Members of the House about the allotment of different areas to the three States of Maharashtra, Mysore and Andhra. Stressing particularly the amendments suggested regarding the territorial adjustments regarding Bidar District, the Chief Minister of Hyderabad writes in the course of that letter :—

> "As you are aware, the four Kannada talukas of Bidar District were proposed originally by the Bill to be merged with Gulbarga District. It is the unanimous desire of the Kannadigas and others of the State that Bidar District should be retained as a separate unit and those talukas should not be merged with Gulbarga as proposed in the Bill. There was complete unanimity in the Assembly regarding this matter."

Nothing is clearer than this to show that there was full unanimity between the M.L.As of the three linguistic regions in the Hyderabad Legislative Assembly about the division of Bidar District. A distinction is sought to be made that the unanimity referred to in the said letter relates merely to the four Kannada talukas of Bidar District being given the status of an independent district and

that it does not refer to the agreement about the transfer of the villages included in those talukas. We find it very difficult to agree to this in the face of facts mentioned above already. It cannot be disputed that there was an agreement that the four talukas, namely, Bidar, Bhalki, Santpur (Aurad) and Humnabad should be transferred to Karnataka and also that they should continue to be retained in the district of Bidar with the status of a district. It is this district of Bidar with the said four talukas that is now transferred to the State of Mysore under the States Reorganisation Act. Still it is maintained by the Government of Maharashtra that the agreement for the transfer of talukas did not mean that all the villages included in the said talukas were also agreed to be transferred. It is hard to accept this.

162. One thing however is possible that some of the Marathwada Members might have entertained a hope that even after the transfer of the four talukas to the State of Mysore, there would be occassion to raise the question of redistribution of some of the villages on the basis of village as unit. It appears from the debates that some Members of the Hyderabad Assembly wanted that a Boundary Commission should be appointed to decide such questions. Even then it would not be correct to say that there was no agreement to the transfer of the four talukas in question. Even if it is assumed that the Members of the Hyderabad Assembly entertained such a hope as above mentioned that however does not mean that there was no agreement at that time for the transfer of the areas under question. The fact remains that in the Hyderabad Assembly, they did agree to and vote for the transfer of the said talukas (including the villages now claimed) to the State of Mysore.

163. As already referred to, there was complete unanimity amongst the Members of the three linguistic groups in the Hyderabad Assembly that Bidar should retain its status of a district in the new State of Mysore to which the four talukas were to be transferred. This is evident from the speech of the then Chief Minister of Hyderabad quoted above. It was felt doubtful if Bidar with only these four talukas could be given the status of a district. The Chief Minister, therefore, thought it necessary to make special efforts to get that status retained. He even went the length of personally speaking

to Sri K. Hanumanthiah, the then Chief Minister of Mysore and requesting him to agree that Bidar may be retained as a separate district. He has alluded to this request and to Shri Hanumanthiah's consent to it in the course of his letter dated 3rd May 1956 addressed to Sri Pantji, the then Union Home Minister. By that letter (already quoted above) he made a similar request stressing "particularly the amendments suggested regarding territorial adjustments and regarding Bidar district". In connection with the retention of Bidar as a separate unit, he observes :—

> "There was complete unanimity in the Assembly regarding this matter. It was also suggested in the amended resolution that if the four talukas are considered insufficient to constitute a district, necessary area from the adjoining area of Gulbarga may subsequently be added by the successor Government. I have had a talk regarding this matter with Sri Hanumanthiah and he has agreed that Bidar may be retained as a separate district. I think he will be writing to you shortly. As this is an important deviation from the original Bill, I hope you and the Select Committee will kindly accept it as it is based on the unanimous opinion of the people concerned."

164. From the foregoing it is clear not only that there was unanimity between all the three linguistic groups of the Hyderabad Assembly in respect of the four talukas of Bidar District going to Mysore but that they were quite anxious that it should retain the status of a district with or without other areas from Gulbarga being added to it. If any of the Members of Marathwada were entertaining a feeling that some villages in the talukas of Bhalki, Santpur or Humnabad ought not to be transferred to Mysore on the ground that they were Marathi speaking they evidently subordinated that claim to the main desire of all that Bidar should go as a district unit. It was possible to entertain a fear that if the claim for a few villages in the said talukas was pressed that would come in the way of Bidar getting the status of a district in the new State. These members must have used their discretion deliberately in favour of allowing Bidar to maintain the status of a district in the new State. A similar question arose in the Hyderabad Assembly is respect of Raichur. Although the district of Raichur was mainly Kannada speaking there were two taluks in that district which were transferred to Andhra as Telugu speaking. In addition to these, the Telengana people claimed that

the taluk of Raichur also should be transferred to them on the ground that Raichur Taluk was Telugu speaking. Referring to this, in the course of his speech, the Chief Minister of Hyderabad admitted that a great part of Raichur Taluka consists of Telugu speaking people. He however added :—

> "But it was always thought and the Government also thinks that if half portion of Raichur Taluk is claimed for Telengana it does not remain as a district. Generally speaking we should not put forth any unfair claim for such division which would destroy the position or status of a district. It was because of this reason that although a big portion of Raicur Taluk belongs to Telengana, no insistence was made to include it in Telengana."

165. It is just possible that on considerations similar to the above, the Members of Marathwada might have thought it discreet not to press their claims in respect of the few villages in the taluks of Bidar District to be transferred to Karnatak lest that claim may come in the way of Bidar maintaining its position as a district unit. Even these considerations lead us to the same conclusion that there was deliberate consent unanimously given by the Members of the three linguistic groups in the Hyderabad Assembly.

166. Our considered opinion is that there was agreement between the Members of the Hyderabad State Assembly representing the three linguistic regions in respect of the transfer of the four talukas now constituting the Bidar District. This necessarily implies all the villages in the four talukas. We reiterate our view that such agreement unanimously arrived at after serious consideration by responsible leaders of the public should not be lightly ignored and that they should not be allowed to go back on the division thus brought about on the basis of such understanding—if not, agreements.

PART II

INDIVIDUAL AREAS CONSIDERED

Introductory

CHAPTER XX

167. In the foregoing chapters we have mainly discussed the general grounds on which the Government of Maharashtra bases its claim and those which the Government of Mysore urges in support of its stand. There still remain certain portions of the cases put forth by the two Governments where the question of particular areas claimed to be transferred are discussed. As already referred to, the Representatives of the two Governments met and studied the whole of the two cases put forth by the two Governments together with the subsequent statement as well as the Rejoinder put forth by the two Chief Ministers. Finally they discussed between themselves and expressed to each other their views on the general questions considered in the foregoing chapters. But no discussions took place between them in respect of the specific areas claimed for transfer. That was because the Representatives of the Government of Maharashtra were of the view that the same was not necessary in view of the divergence of opinion disclosed between the respective Members of the two Governments on the main points. Later, after a careful consideration of this matter Sri S. S. Malimath, a Representative of the Government of Mysore, addressed a letter to Sri H. V. Pataskar on 7th February 1962, with a copy to Sri M. D. Bhat, expressing his firm view that it is necessary to consider the question of the various areas claimed to be transferred and that it was so enjoined in the Joint Statement of the two Chief Ministers. He also expressed that if that part of the case was not considered, to that extent the task entrusted to the Representatives would remain uncompleted. By his letter, dated 21st February 1962 Sri H. V. Pataskar, in consultation with Sri M. D. Bhat, replied that they stand by their earlier view and that there is no necessity for taking up these matters for consideration. Hence those questions remain without being considered jointly by the Four Representatives.

168. Our own view is that the cases put forth by the two Governments have to be considered fully and not partially. Giving up certain portions without a joint consideration is contrary to the expectations involved in the Joint Statement of the two Chief Ministers. What it enjoins on the Representatives is to " study and discuss together in detail the cases put forward by the two governments regarding the disputed borders between the two States." What we have done so far is to consider the general grounds on which the government of Maharashtra claims that the areas lying on the borders of two States should be re-allocated and transferred from one State to another. What still remains to be considered is the case put forth in respect of various areas actually claimed for transfer. Apart from the general principles there will be certain considerations in respect of each area as to why it may or may not deserve to be transferred. These should also be specifically considered and the opinions of the representatives expressed about them.

169. To our mind it is quite clear that the case " regarding the disputed border " means the areas claimed to be transferred. Besides, the last sentence of the joint statement which requires the Representatives to send to the two Governments " their report with their *entire* opinions " also emphasises the same point of view. The word " entire " signifies not the whole of the opinion but rather the opinion on all points under dispute. Hence if the cases of the two Governments regarding the disputed areas are not considered, we feel to that extent our duties are not fully discharged.

170. The reasoning behind the stand taken by the Representatives of the Government of Maharashtra appears to be as follows: The case of the Government of Maharashtra is based on the three criteria known as the Pataskar Formula (already discussed in the foregoing chapters). If these three criteria are accepted, the areas claimed for transfer follow as a corollary since they are based purely by applying those criteria. If those criteria are not accepted it follows that the claims to the said areas suggested lose all the support. In the present case, since the Representatives of the Government of Mysore do not agree with two of the three criteria, the result is that there would be little support to the areas claimed by the Government of Maharashtra. That is how the

Representatives of the Government of Maharashtra think it futile to enter into a discussion and to consider the various areas claimed for transfer by the Government of Maharashtra.

171. We fail to see the force of these arguments. It is possibly right that if all these three criteria were accepted by the Representatives of the Government of Mysore it would follow that they might also agree to the areas claimed on that basis as deserving transfer from one State to another. But as it happens there has been a difference of opinion in respect of two of the main criteria. Even in that event it is not unlikely that the claim to the areas may be justified by reason of some other principles or considerations. It is therefore necessary that the four Representatives should traverse the whole field and consider all possible grounds on which the claims may be justified, one way or the other. In our view, therefore, it is necessary that we take up consideration of the areas claimed for transfer.

172. Although the Government of Maharashtra mainly relies on the three criteria and try to base their claim principally on the said Formula, they do not stop at that. They proceed not only to indicate the areas claimed to be transferred from one State to another but also adduce certain reasons for the transfer apart from the Formula above referred to. In fairness to the cases made out by them, it is, in our view, absolutely essential that the cases relating to the areas claimed to be transferred should be specifically considered or else we would not be doing justice to those cases of the two Governments.

173. While the Government of Maharashtra itself go beyond the Pataskar Formula and buttress their claim for various areas by many other considerations, the Representatives of that Government however seem to stand by that Formula and by it alone. We have already discussed that this Formula is not new. It was already before the States Reorganisation Commission. They had rejected the theory of " village as unit " and accepted the District as unit with exceptions in special cases for compelling reasons. That Formula was again proposed in the Parliament for adoption but it was not accepted by that Body also. That is not all; when the Formula was used in the settlement of the boundary between

Madras and Andhra, it was so done only because there was common agreement of the two Governments concerned. We have already discussed this point in Chapter X ("Principles proposed by the Government of Maharashtra are not new") and explained that the application of those criteria between the States of Madras and Andhra was shown as justified by way of an exception to the general criteria which were by then recommended by the States Reorganisation Commission and adopted by the Government of India. They were sought to be made an exception because there was a common agreement of the Governments considered. Now this exception is insisted to be made a rule by setting at naught the rules actually applied by the Parliament at the time of Reorganisation of all the States in India. We are repeating this at this stage merely to show that knowing that the application of the Formula was permitted by way of an exception to the general rule, too much importance need not have been given to it as is now sought to be done. If the exception is now to be made to the general rule, the whole of the Reorganisation of India will be overthrown.

174. Apart from this, no harm would have been caused to the case of the Government of Maharashtra if the other grounds on which the various areas are claimed were also considered and discussed by the Representatives. Since the Representatives of Maharashtra did not choose to do it, we thought it proper that in the course of our report we should consider all those points in detail as enjoined on us by the Joint Statement of the two Chief Ministers.

175. One more point appears from the reply dated 21st February 1962 given by Shri H. V. Pataskar to Shri S. S. Malimath. One of the main reasons given for not taking up consideration of individual areas is explained as follows : "It would not be possible for us to reach any agreement in respect of any part of the border." In another sentence he writes, "I still feel that our discussion of individual areas will not help us in any way in the task entrusted to us." From these observations it appears that according to the Representatives of the Maharashtra Government, the only task entrusted to the Four Representatives was "to reach an agreement in regard to Border." Although none would be more happy

than us if a solution agreeable to both the Governments were evolved, we want to make it clear that in case it is not done, it would not be correct to say that there is nothing else that we are expected to do. The Joint Statement of the two Chief Ministers clearly enjoins on the four Representatives that they have to " report to the Governments as to what extent there is agreement or disagreement about the disputed border with reasons therefor." It is one of their duties not only to report to the Governments their agreement or disagreement about the disputed borders but in addition they have also to express the reasons for agreement as well as for disagreement. This shows that the authors of the Joint Statement were alive to the possibility of disagreement and laid down that even in cases of disagreement the Four Representatives must report the same with reasons. In our view, reasons were called for so that the same may give a clear analysis of the points of difference and may help the Governments to reach their conclusions. We do not understand why the Governments should be deprived of the benefit of the opinions of the Representatives for whatever they may be worth. In any event, the Representatives are expected to do this part of the work and it would not be right to leave it undone.

176. We therefore propose to take up considerations of the various areas sought to be transferred. In doing so, we have to evolve some workable method. As already mentioned before, the areas under question cover as many as 18 talukas of 7 districts. The number of villages involved are 814 in one State and 260 in another. It is not possible to consider the case of each of these villages severally. We think it proper to consider the areas involved taluk-wise. Although only some villages from each taluk are proposed to be transferred and the entire talukas are not involved, it would still be proper to consider the areas proposed to be transferred on taluka-wise basis. We also propose to take up the talukas from Karwar on the South and then proceed northwards.

CHAPTER XXI

Karwar, Supa, Haliyal Talukas of Karwar District

177. The Government of Maharashtra has claimed three almost entire talukas from Karwar district (barring very small patches here and there) on the score of linguistic homogeneity. A mention has already been made that in laying claim to these talukas, the Maharashtra Government puts forth figures not merely of persons speaking Marathi but the total figures of those who speak Marathi and of those who speak Konkani. We have discussed their claim about Konkani being the daughter or at least the sister of Marathi. We need not repeat the same once again.

178. All the three talukas under consideration are hilly tracts and forest areas. Karwar is on the sea coast and the taluka extends over the Sahyadri mountains. Both Supa and Haliyal are above the Ghats at a height of about 2,000 feet above sea. All these areas have thick forests with very sparse population. Villages in these areas are not compact places of human habitation as we ordinarily find. A farm with a hut for residence is a unit by itself. Such units are known as Sthals or holdings. Ordinarily we come across one family here and another far away. A hamlet or Majra has two or more holdings and several such hamlets constitute a village and the villages are very widely apart. Groups of two or more villages are called Maganies. In many cases lands of different villages are mixed together. Except in Haliyal (which borders on Dharwar district) there are no village communities proper. Not more than 25 per cent of the holders have full establishment of persons doing service to the village.

179. The land tenures and such other systems developed in the districts of North and South Kanara are distinct and different from those that have developed in the Konkan districts of Ratnagiri and Kolaba. As already alluded to, the North and South Kanara districts originally formed but one district in the Madras Presidency before they were divided in 1862. According

to the Gazetteer of Kanara (North) the land holdings were called 'Vargs'. This latter term corresponds to 'Khata'. There are two broad classes of land tenures—Mulageni and Chalageni—meaning permanent tenancy and annual tenancy respectively. The lease deeds in favour of the former were called Mul-pattas. The holders of such leases are called Mulgenidars or Mulgars. About their status, the Madras Board of Revenue (in the minutes recorded on 5th January 1818) observes :

> "The Mulgenidars or permanent tenants of Kanaras are a class of people unknown to Malabar, who, on condition of payment of a specified invariable rent to the Muli or landlord and his successors, obtained from him a perpetual grant of a certain portion of land to be held by them and their heirs for ever."

The ordinary sub-tenancy is a tenure at-will called Chalgeni. A chalgenidar is a yearly tenant and may be under a permanent holder or Mulgar or under a permanent tenant or Mulgenidar or under Government as an occupant of a lapsed permanent estate or Mulivarg. There is one more sub-tenancy of permanent or quasi-permanent nature called Nadugi or Ardheli. This tenure applies to garden lands, on the coast. The rent payable by the tenant is fixed generally at one half of the produce. "When full grown the trees are made over to a tenant and this tenure is called Sulgi and in this case the tenant receives one-third of the produce for his labour."

180. The arable land which had never been cultivated was called Rekhanasht or land which had lost the records of its assessment. "It was given out with or without Mul-patta and entered in the accounts as Hosagame, that is, new accretions or cultivations." It may be noted here that 'Hosa' is a pure Kannada word meaning 'new'.

181. None of these tenures are found to exist in the Konkan districts of Ratnagiri and Kolaba. Khoti system is a special feature to be found only in these two districts. Khot is a village renter with full rights in all lands unencumbered by tenants' rights and has reversion to all lapsed tenants' lands." He may hold and give out for tillage all waste, assessed or unassessed, and make from it whatever profit over and above the Government assessment." In a Khoti village there are two classes of lands, Dhara land which pays only Government rent and

Khot Nishbat or Khots land which, besides the government rent, pays the Khot certain amount which is known as Phaida or profit, and it is a reward for managing the village. That is a tenure known as Dharekari. The Dhara land is held by tenant proprietors called Dharekaries. The Khot Nishbat land is held by a cultivator who is the Khot's tenant. There are other holders known as Dupatkaries, Didpatkaries and Daspatkaries. "The class of shifting labourers or yearly tenants is very small." In Dharekari villages, a certain varying allowance, Mushahira, is paid to the Khot on account of the collections made by him from peasant holders, Dharekaries. The holding of Dhara may be of any size. The assessment, Dast, on this class of holdings remains unchanged. Dharekaries often sublet their fields at profit to other cultivators. Those tenants who hold lands under Khots may be divided into two classes—Vatandar Kardas or yearly tenants. The former pay customary or stipulated rent and such extra cesses as village usually allows and are not liable to be ejected. It will be seen that although in this latter respect they may be said to be permanent tenants they substantially differ from the Mulgenidars of North and South Kanara districts. Those who undertake to cultivate waste lands of Khot (called Khot Nisbat Samaik) from year to year are called Bhadekaries. A resident of one village who cultivates the land in another village is called an outsider-Dulandi.

182. It will thus be seen that there is no similarity of any type between the systems and tenures in respect of agricultural lands also in the Konkan districts of Ratnagiri and Kolaba as compared with the districts of North and South Kanara. This further makes for development of different modes of life and culture. Thus these two parts have developed two distinct ways of life and traits of character in the two areas.

183. Culturally major part of Karwar district has affinities with the Kannada districts of Dharwar, Belgaum, etc., and also with the districts of old Mysore area. This does not mean that they have no links with the parts of Konkan. Some communities who have migrated from Goa still have their family Gods and Goddesses within Goa but such communities are few. Not only that ; after their migration they have mixed themselves up with other local communities. Some of them, though they continue

to speak Konkani at home, speak Kannada out of doors. One curious feature of some of the vocational communities is that there are two sections doing similar type of work. Some of them are Konkani speaking and others Kannada speaking, such as, Konkani Kelasis (Barbers) and Kannada Kelasis ; Kannada Kurbars (Shepherds) and Konkan Kurbars ; Kannada Valekars (Village Messengers) and Konkan Valekars ; Konkan Madivals (Washermen) and Kannada Madivals, etc. It is found that several communities in Karwar district, particularly some of them residing in the three talukas in question are followers of H. H. Sri Shankara Charya Mutt of Sringeri in Chikmagalur District of old Mysore State. Some of them are mentioned below :

1. Kudal Deshkars ;
2. Narvekar Vanis ;
3. Konkan or Kale-Kunbis ;
4. Konkan or Konkan Marathis ;
5. Sherogas (Konkan Valekars)
6. Sudirs or Shudras ;
7. Hanbars ;
8. Satarkars ;
9. Arer Marathas or Kulawadis ;
10. Habbus ;
11. Jingars ;
12. Konkan Kunbars ;
13. Kannada Kunbars;
14. Ganigs ;
15. Halepaiks ;
16. Komarpaiks ;
17. Chaudris ;
18. Ambigas ;
19. Khande Kharvis (Fishermen)
20. Konkan Kharvis ;
21. Pagis (Fishermen);
22. Moghers (Fishermen);
23. Haller-Vajantries ;
24. Kalarans ;
25. Agasaru ;
26. Konkani Madivals ;
27. Konkani Kelasis ;
28. Telugu Kelasis ;
29. Bandis ;
30. Devlis ;
31. Golaks ;

32. Kasars ;
33. Kathkeris ;
34. Hattgars.

It is surprising that out of the above some of them are those who have originally migrated from Goa and some of them avowedly call themselves as Konkanies. Some of them do speak Konkani at home even to this day. From this it appears that from whatever places they originally migrated, they have mixed up with the local people and their affinities have grown and developed towards Kannada areas. As contrasted with this, the communities which still retain their connection with Goa are very few. The communal and cultural affinity is decidedly towards Kannada areas.

Similarly there are many communities which are affiliated to Veerasiva Jagadguru of Chitradurga Mutt in old Mysore State. Some of them are :

1. Sadars ;
2. Nonbars ;
3. Gangdikars ;
4. Goundies (Kalmutt of Kittur);
5. Bangars (Bannagars);
6. Kumbars ;
7. Kabhers-Kabbers ;
8. Saibs ;
9. Dhors.

Karwar

184. Karwar taluka consists of 57 villages, 3 towns and an island. Out of the above, 50 villages (including the towns) are claimed by the Government of Maharashtra for transfer to that State. They, however, concede that 11 villages of that taluka are Kannada and that they may remain in the State of Mysore. These villages lie to the South-west of Karwar Taluka. The total area of this taluka is 284.2 sq. miles and the area of the 50 villages claimed by the State of Maharashtra comes to about 222.4 sq. miles. Out of them only *one* village has a majority of Marathi speaking population. It is an island called Devgadh lying near the port of Karwar. Its total population is only 11 out of whom 7 speak Marathi. The total population of this Taluka including the town of

Karwar is 78,591 according to 1951 Census. Out of them hardly 6.7 per cent speak Marathi, while 22.6 per cent speak Kannada. No doubt a majority of the people of Karwar is Konkani speaking, their percentage being 64.8 (*vide* Language Census Hand Book of 1951 Census). We have already shown how most of these Konkani speaking and even Marathi speaking people know Kannada and how Kannada is justifiably the official language.

185. Geographically neither the Karwar taluk nor any part of North Kanara district touches the State of Maharashtra. The States of Maharashtra and Mysore are separated by the intervening State of Goa. Goa is encircled on three sides by the State of Mysore and on one side, that is on the North it touches the District of Ratnagiri in Maharashtra State. The boundary of the Maharashtra State nearest from Karwar lies to the north of Belgaum Taluk. It can be reached by crossing as many as four, if not, five talukas by road. Mysore Government contends that this cannot be a matter of boundary adjustment. Still the Government of Bombay (now Maharashtra) makes out a case that "the whole of Konkani tract stretching from Ratnagiri District to Karwar in Kanara district is a contiguous and compact territory." Even assuming that the area stretching from Ratnagiri District to Karwar is one Konkan tract, Karwar gets disconnected from the upper belt in the Ratnagiri District by reason of the interception of the State of Goa. It does not make either a contiguous or a compact territory with the district of Ratnagiri. It appears that contiguity is claimed in a round-about manner through the District of Belgaum, lying to the East of Goa and through all the intervening taluks such as Belgaum, Khanapur, Haliyal, Supa and Karwar. Since the Government of Maharashtra puts up a claim to these areas also on the ground that all of them are Marathi speaking, they contend that Karwar becomes contiguous to the district of Ratnagiri.

186. Even assuming that contiguity can thus be established it is not understood how Karwar makes a compact territory with the Konkan tracts of Ratnagiri district. It is further mentioned that Konkani speaking tracts of Karwar district, the Marathi speaking tracts of Belgaum district, with 2 or 3 southern taluks of

Ratnagiri district would form a compact territorial entity and can be made into a Revenue District. This stretch of land proposed to be made into a Revenue District forms a belt encircling Goa on all sides except on the West where the Arabian Sea comes. It is difficult to understand how this area can be considered to be a compact territory and how it can make a Revenue District convenient for administration. Belgaum, the possible headquarters, is situated above the Ghats at a height of about 2,000 feet above sea level while the places like Karwar and Vengurla are almost at sea level. They will be nearly 200 miles away from each other by road. We have already discussed the question of kinship between the languages and tried to show that Konkani language of Karwar district is not the same as the Konkani language of Goa. It is more remote from the Konkani spoken to the north of Goa and it will be still far remote from Marathi. As envisaged in the proposal above mentioned Karwar will necessarily lose its importance as a District Headquarters and at best it may become the headquarters of a taluk if it is transferred to the State of Maharashtra. Is it worthwhile for Karwar to undergo this sacrifice? What is there to compensate for its being relegated to such an insignificant position?

187. The whole of Karwar district and particularly the portion below the Ghats is normally a deficit area. "There is considerable difference in the country above and below the Sahyadries." The areas below are less fertile. The incidence of land tax is also lower. It has to depend for its food supplies on the taluks above the Ghats in the district such as Halyal, Yellapur, Sirsi, Siddapur, Mundgod, etc., and on the districts of Dharwar and parts of Belgaum. In times of famine or other scarcity conditions these are the main source of supply of food for Karwar. Even in early times when transport was more difficult, when a great famine occurred in the year of 1876-77 "there were grain imports of about 18,000 tons to Karwar and 18,750 tons to Kumta" (*Vide* Kanara Gazetteer, 1883-Vol. XV-Part II—Page 23).

188. Karwar is a natural harbour and has been a port since early times. It is nearer to the Western countries of Europe by sea than Bombay. Steamers coming from European countries through the Red Sea come straight towards Karwar and after sighting Karwar Light-house

they proceed northwards to Bombay. The potentialities of Karwar as a port were noticed even by the Britishers during their early regime. Sir Arthur Cotton, Commandant of Engineers (about 1860) remarks :

> "There is a most concurrence of circumstances pointing to the position of Baitkol (Karwar) as a first grade port. It is indeed the only port between the Tapti and Ponnani where there are facilities for communication with interior. It will have great advantage over Bombay as it is 250 miles windward in the monsoons."

He further adds :

> "It (Karwar) in fact affords even in its present state a most accessible and a perfectly safe shelter for vessels and the wonder is how such a place could have been so long treated with utter neglect .... Upon the whole, I think, we can safely say there is scarcely any harbour in the World, that has a more remarkable collection of advantages than this would have .... and if Baitkol is fully improved I believe it will be as cheap a place of shipment as any in the World and certainly much cheaper than any port in India at present so that it will have the advantage over Bombay as it is now as it will be with its Railway."

A railway line had been planned to connect Karwar with Hubli *via* Yellapur. A scheme for developing this port and this railway line were almost ready. Even warehouses and godowns had started construction in Karwar. It is however common knowledge that interested parties in Bombay became apprehensive that Bombay would suffer if Karwar port was developed and if a railway line connected it with Hubli. It is stated that such forces worked for diverting the railway line away from Karwar with the result that it was ultimately connected with Goa Port. The Development of the Port of Goa had little chances of coming in the way of the interests of Trade and Commerce of Bombay as Goa was a foreign territory. So long as Karwar was within the State of Bombay and so long as Bombay was holding the keys of Government, chances for the development of Karwar as a port were very few. Bombay was not out to take any interest in the development of Karwar. The result was that Karwar did not grow or develop in any manner during the British regime.

189. Since 1956 when the Reorganisation of States took place and the district of Karwar was joined to

Mysore, the whole aspect of the matter has changed. The Government of Mysore has a natural interest in the development of some of the ports for the trade and commerce of the State. On the move made by the Government of Mysore, the port of Mangalore has already been taken up by the Government of India for development as an all weather port. That port is expected to serve the southern parts of Mysore State. For the northern parts, Karwar will be the natural outlet. The Government of Mysore has planned to develop Karwar port during the third plan at an estimated cost of Rs. 186.4 lakhs. The work has already been in progress. The Government of India has been requested to take up construction of Karwar-Hubli Railway line so as to connect the Port with the hinterland, which is in the State of Mysore. The vast forest wealth of Karwar district urgently needs such an outlet. Even now without such a railway line Manganese ore from Sandur and its neighbouring places in Bellary district is being exported through Karwar. These are being taken to Karwar either wholly by trucks or by rail upto Hubli and by trucks further on to Karwar. This traffic has developed considerably during the last few years, particularly after the Reorganisation of States in 1956.

190. A survey of the traffic to the Port of Karwar was made by the National Council of Applied Economic Research, New Delhi. According to their report, between 1951 and 1957 the levels of traffic handled by the Karwar Port amounted on the average to 4,014 tons. In 1957-58 it increased to 29,000 tons and in 1959-60 to 1,04,600 tons. By about the end of 1961 it further rose to 1,58,000 tons of which 1,46,000 tons is iron ore and 12,000 tons represent the general cargo. Even this latter has gone up by 4,000 or 5,000 tons. According to their report " the prospects of traffic are that by 1965-66, its volume may go up to 5,68,000 tons." Much of this traffic—particularly the iron ore—gets for India considerable amount of foreign exchange. This rate of development of the traffic at the Port of Karwar is highly reassuring. Thus in course of time Karwar bids fair to develop into a major port on the Western Coast. It must be remembered that, as already referred to, the hinterland for this Port are the districts of North Kanara, Belgaum, Dharwar and Bellary. After the development of better communication facilities, the

districts of Shimoga, Chitradurga, Bijapur and Raichur will also form the hinterland, thus further increasing the traffic at the Port of Karwar. It is indicated in the said report : "If Raichur and Bijapur districts are included the area and population of the hinterland will be 35,818 sq. miles (47.8 per cent of the area of the State) and 9.4 millions (40.5 per cent of the State Population) respectively. It may further be mentioned that if Karwar is cut off and joined to Maharashtra it will lose the benefit of this hinterland and may not develop as a big port. On the other hand, the vast hinterland of the Northern part of the Mysore State, which is badly in need of an outlet will be deprived of the benefits of the natural Port of Karwar. As this hinterland is nearly half in extent of the whole State of Mysore it will have to lose the benefit of this natural harbour which is being developed and which offers unique potentialities. Thus both Karwar as well as its vast hinterland will stand to lose considerably by the proposed transfer of Karwar to the State of Maharashtra. As against this there is no justification for the transfer except the alleged ground of liguistic homogeneity on the basis that Konkani language has affinities with Marathi.

192. If, on the other hand, Karwar is transferred to the State of Maharashtra, the latter will naturally have no urge to develop Karwar. It already possesses a big port like Bombay. The State of Maharashtra offers no sufficient hinterland for the export trade through Karwar. Similarly the import trade through Karwar cannot be expected to serve the State of Maharashtra. Naturally the Government of Maharshtra will have little urge to develop Karwar as a port. As already referred to, the interests of the trading communities in Bombay will never look with sympathy any scheme for the development of Karwar Port. Karwar will not only remain undeveloped but will possibly wane further on account of the loss of its status as a District Headquarters.

193. Apart from the controversy about the affinity of the Konkani language it should be noted that even on grounds of linguistic homogeneity Karwar town ought to go to Mysore in preference to Maharashtra. The Kannada speaking population is 28.2 per cent, while the Marathi speaking population is 17.6 per cent. Even the Konkani speaking population is less than half being

45.8 per cent. If that town is left out, as it ought to be, we wonder whether, the remaining villages claimed which are all Konkani spaking, still deserve to be detached and transferred to Maharashtra.

194. In Karwar taluka there are 120 Kannada Primary Schools and 61 Marathi Primary Schools. This clearly shows that nearly two-thirds of the people in the taluka take to Kannada education. This material evidence is sought to be explained by alleging that people have to learn Kannada, since that is the official language and those who want to find an appointment in Government service have to learn Kannada. But since the last 12 years and more Marathi is also the official language. The above explanation is only an argument. It can be met by a similar argument that such of them as desire to seek a career in places like Bombay or to get higher jobs where appointments are to be made by Government of Bombay or its Departmental Heads, go in for Marathi since Bombay and Marathi speaking people hold the keys to those appointments. It is common experience that till very recently most of the higher officers sent by the Government of Bombay to the Kannada districts used to be Marathi and very few Kannada. Even officers of the Education Department in Karnataka area used to be Marathi gentlemen.

Supa Taluk

195. The Revenue Sub-Division of Supa was known as Peta (having a lesser status than a taluk). After Reorganisation of the States in 1956 the Government of Mysore has made it a taluk. Supa is a forest area situated in the thick of Sahyadri Range. It consists of 127 villages with an area of 731.9 sq. miles, but the total population consists meagerly of 18,159 souls. Besides the above 127 villages, there are 13 other villages which are deserted and have no population. Thus the total number of villages is 140. This is the most sparsely populated taluka not only in the district of Karwar but also as compared with any other taluk in general.

196. In this taluk the Government of Maharashtra claims as many as 131 villages having an area of 700.8 sq. miles and a population of 17,451. That means only 9 villages with a population of 663 souls are left

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out for remaining in the State of Mysore. Out of the total population of 18,149 in this taluk only 7,217 persons speak Marathi. Their percentage comes to 39.8. We have already discussed the claim of Maharashtra Government on the ground that Konkani has kinship with Marathi and we need not repeat the same here.

197. In this taluk the density of population per square mile is hardly 25. The average density for Karwar Taluk is 277 and that for Haliyal taluk is 116. The average density for the whole of the district of North Kanara is 130. There are some villages in Supa Taluka which have hardly 2, 3 or 4 as total population of one village. Although some agriculture is done here and there, major portion of the population relies on miscellaneous services. The forest produce is usually cut and transported to the railway stations like Dandeli and Alnavar in Dharwar Taluk. It is this work that engages most of the people. Since this taluk adjoins the neighbouring State of Goa, many people from Goa come over to this taluk for eking out a living by such services and stay there for 6 to 8 months in a year during the fair season. It is on account of this floating population coming from Goa that there has been a marked increase in the Konkani speaking people. But as they again go back to Goa and have their permanent residence there, the figures in respct of such people become very misleading.

198. Lingayats or Veerasivas form the predominant community in Karnataka, particularly in North Karnataka. The shrine of their important religious leader is at Ulavi in this Taluk. It is not only considered as a sacred place but it is a centre of pilgrimage which at the time of annual fair draws devotees from all over Karnataka. The devotees will not only be Lingayats but also from various communities such as Kale Kunbis, Kumbars, Mangs, Chchalvadies, all residents of Karwar district. The shrine at Ulavi is in the middle of a thick forest and is mostly approached from Haliyal. It is managed by the devotees principal amongst them being residents of Haliyal. If this area is detached and given away to Maharashtra it may cause great commotion among the said communities. It may be noted that although the Kannada population at Ulavi is not appreciable, Marathi is still less, being two persons out of the

total of 116. The adjoining areas have a Kannada majority though in Supa Taluk.

199. The Government of Mysore is launching the Kalinadi Hydro-Electric Project which will be located in this Taluk. This project is proposed to be undertaken during the Third Five-Year Plan. It will have its headworks in this taluk. A detailed investigation of the project has practically been completed at a cost of Rs. 50 lakhs. In view of the acute power shortage in the State now it is receiving urgent attention of the Government of Mysore. They have proposed that "irrespective of linguistic considerations the area required for any headworks, reservoirs, etc., existing or proposed irrigation or power projects will be included in the State in which the area benefiting from such irrigation or power project is situated." They have further added that though the former Government of Bombay did not agree to this principle, it has been conceded by the present Maharashtra State in the allotment of Marathi areas to Gujerat in connection with the Ukai Project. While replying to this point, the Chief Minister of Maharashtra states that they accept the suggestion in principle but claim that there should be an initial presumption on the ground of language and that the same may be rebutted for such special cases. He also put in the view of the Government of Maharashtra on the Kalinadi Project at Annexure C of his reply statement. We have already dealt with the claim for initial presumption made by the Government of Maharashtra and have shown that the same is untenable.

200. Mysore State does not possess any coal mines or oil fields and it is situated far away from such sources of fuel obtained in other States. The existing hydro-power potential in the State is too short to meet the demands. It is, therefore, absolutely necessary for Mysore to exploit all possible hydro-power potential in the State to meet its needs and for the development of the State. There are 5 reservoirs in all on Kalinadi and its tributaries extending over a total area of 90 sq. miles and submerging as many as 85 vilages in all. The catchment area in respect of these 5 reservoirs will extend over a total area of 2,700 sq. miles. In view of the fact that the area of Supa taluk is 731 sq. miles and that of Haliyal taluk is 315 sq. miles it appears that the catchment area will extend not only over these

two taluks but also over the talukas of Khanapur in the North and Yellapur in the South. It is expected that when completed this project will be able to develop about 600 mega watts of energy.

201. It appears there are three power stations in old Mysore area and one more at Tungabhadra near Hospet of Bellary district. Sharavathi project is still under construction and it is also located in Shimoga District of old Mysore State. There is absolutely no power station to feed the four districts of old Bombay Karnatak and the three districts coming from Hyderabad Karnatak. Before the Reorganisation it was hoped that a considerable portion of Bijapur district and parts of Gulbarga district would be fed from the colossal power to be generated from the Koyna Project. But these hopes have been frustrated as can be seen from the Statement made by the Chief Minister of Maharashtra at the Meeting of the Western Zonal Council on 8th October 1961. Although the Home Minister of Mysore stressed that there was a great need for power for the Bombay Karnatak areas now in Mysore State and therefore requested for the supply of power from the Koyna, the Chief Minister of Maharashtra was pleased to state that the Government of Maharashtra themselves were faced with acute shortage of power. " He stated that the Government of Maharashtra did not expect any surplus from the Koyna Project and therefore, the State Government would not be in a position to give any surplus power to the Mysore State." It is not known if this position has since improved as can be seen from the Statement of the Chief Minister of Maharashtra appearing in the Press ('The Times of India', dated 17th May 1962: "The Chief Minister addressing the gathering declared that 'if Maharashtra was asked to share its surplus power with any neighbouring States it would do so and it was in that spirit of good neighbourliness that he had agreed to supply power to Goa.'"

202. There are absolutely no power potential in the northern districts of Mysore State like Bidar, Gulbarga, Bijapur, Belgaum, Dharwar, etc. The electric power needed by these districts has got to be carried to them from the Kalinadi Project which will be the nearest to them. Power generated from the Tungabhadra Station is very meagre and can hardly cope up with the needs

of the immediate surroundings. Unless the Kalinadi Project is developed there is no hope of supply of cheap electric power to the said northern districts of Mysore.

203. It may be noted that the needs for power for the said northern districts of Mysore are many and heavy. Dandeli is a fast growing industrial centre in Haliyal taluk on the banks of Kalinadi. There exist already several forest industries like paper manufacture, Plywood Factory, etc. It is at present fed from the Jog Power Station which has more urgent calls to meet in its neighbourhood in the old Mysore State. Hence Dandeli will be the first to utilise power from Kalinadi. As stated above it is bidding fair to be a big industrial centre and its needs also have been increasing from day to day. There are other big industrial centres and big cities like Hubli, Belgaum, Dharwar, Gadag, Bagalkot, Bijapur, Bidar, Gulbarga, Yadgir, Raichur, etc. These will be roughly about 200 miles distance from the Kalinadi Project and can be easily fed from it. Karwar which is bidding fair to be a big natural harbour and which is at present exporting large quantities of Manganese ore will also need much of the power from Kalinadi power station. It is roughly estimated that within the next 10 years the load in these northern districts will be more than 600 mega watts which the Kalinadi Project is likely to supply. This Project is, therefore, absolutely necessary for the development of the northern districts of Mysore State. As already referred to the Maharashtra Government has not been pleased to share any power from the Koyna Project. Therefore, if the potential of Kalinadi Project is also lost to Mysore the latter will be in wilderness.

204. In Annexure C to the reply statement of the Chief Minister of Maharashtra it is suggested that Kalinadi power may be joined to the Koyna block of power as the distance between the two is just 150 miles so that the Government of Maharashtra may feed the districts of Kolhapur, Satara, Sholapur and Ratnagiri from the Kalinadi Project. It further suggests that once this power is fed into Koyna Grid it can be used anywhere according to the need over the Kalinadi-Koyna-Bombay Grid. It is also suggested that Maharashtra would have no objection to arrangements being evolved whereby power is drawn by different States from a Trans-Continental Grid after Kalinadi is joined to the Bombay Grid as above.

This may be a possibility in theory but the question is one of probability and one on the practical side. We have already referred to the statement of the Chief Minister of Maharashtra declining to give any power from Koyna to Mysore State although when the scheme of Koyna was first launched it was intended to feed the northern Karnataka districts of the then Bombay State. Besides it may be noted that Koyna power itself is expected to be consumed at present mostly for the needs of Bombay region and it needs the present Grid line between Koyna and Bombay. If any additional bulk of Kalinadi power is to be fed and used anywhere up to Bombay, additional transmissions not only from Kalinadi to Koyna but also from Koyna to Bombay would become necessary. The best way to use the Kalinadi power is to use the same within a reasonable radius by Mysore State. The arguments of the Chief Minister of Maharashtra that arrangements can be evolved whereby power may be drawn by different States from the Trans-Continental Grid can equally be applicable to Maharashtra itself. It can as well accept the same thing and hope to draw power from Mysore by means of such a Grid even if the Kalinadi Project is developed by Mysore.

205. As stated above already, there is acute shortage of power in Mysore. The demand for power is increasing from day to day. Mysore has not been able to meet even a fraction of this demand. Even with the commissioning of the Sharavathi Project the estimated demand will be in far excess of the expected supply. As against this it may be seen that the State of Maharashtra is at present having much power supply for its needs. Besides Koyna it has various other power potential along the Sahyadri right from Sawantawadi to Bombay. While Bombay is supplying electric power for running its industries and maintain electric railway lines, Mysore can ill-afford to supply power for the daily needs and for its industries. Maharashtra Government proposes to utilise power from Kalinadi to supply power to the districts of Ratnagiri, Kolhapur, Satara, Sholapur, etc., all of which are nearer to Koyna and can be fed from there. Mysore has no alternate means of power resources for meeting the demands of its northern districts to whom Kalinadi affords the only source. The needs of Mysore for that power are greater than that of Maharashtra. It is, therefore, meet that Mysore should have the benefit of developing and utilising Kalinadi Project.

206. Under these circumstances the headworks, reservoirs, etc., of Kalinadi project should remain in Mysore as now. This means that the taluks of Supa, Haliyal and Khanapur which are necessary as catchment area have got to remain in the State of Mysore undisturbed as at present.

Haliyal Taluk

207. Haliyal taluk is also mostly a forest area above the Ghats. The total number of villages in this taluk including the town of Haliyal is 130. The total area of the taluk is 315.2 sq. miles and the total population is 36,514. Out of this the Maharashtra Government claims 120 villages with an area of 285 sq. miles comprising a population of 31,122. This leaves for Mysore 10 villages with a population of 5,392. Out of the total population of the taluk, the population of Haliyal town itself is 16,368. The percentage of Marathi speaking people in the town is 35 and that of Kannada speaking people is 26. Only 10 per cent speak Konkani and those speaking other languages come to 28 per cent.

208. The town of Haliyal is situated at a distance of 20 miles from Dharwar which is a Kannada area. Within about 4 miles from Haliyal town the boundary of Dharwar taluk is reached. The nearest railway station for Haliyal is Alnavar at a distance of 7 miles. Alnavar is in Dharwar taluka. This taluk is bounded by Dharwar and Kalghatgi talukas on the East and by Yellapur Taluk on the South. Yellapur is also a Kannada speaking area in Karwar district. On the North of Haliyal is Khanapur taluk of Belgaum district. Where the boundary of Khanapur taluk touches the boundary of Haliyal taluk only 3 villages in Khanapur touching the boundary are claimed to have a marathi majority. This is not only close to but hemmed in on many side by Kannada area. There are about (30) or (40) Kannada inscriptions in Haliyal and round about area. In the Talukas of Supa and Kalghatgi (which adjoins Haliyal on either side) there are some more Kannada inscriptions; but they are not published as yet. The taluk of Haliyal, although it forms a part of the revenue division of Karwar, has all along been under the jurisdiction of the Sub-Judge at Dharwar for purposes of Judicial Administration (Civil).

It appears that this has been changed in very recent years. In this way the connection of Haliyal taluk has all along been with Dharwar.

209. In the taluk of Haliyal and parts of Supa most of the people, particularly, the agriculturists speak what is known as Kulawadi. We have already referred to the fact that Kulawadi is a mixture of Kannada, Konkani and slang Marathi. It is not correct to say that it is Marathi. Those speaking that language have come to be entered in the Census Records as Marathi speaking. Hence the figures of Marathi speaking people in this taluk as well as in Supa have assumed exaggerated proportions. We have also referred to the fact that most of these people who speak Kulawadi can speak Kannada while all of them understand Kannada.

210. Out of the 130 villages in the taluk where Marathi is spoken by more than 50 per cent are only 60. The total area of these villages come to 124.3 sq. miles which comes to 39.4 per cent of the total area of the taluk. But what they claim is 120 villages with an area of 285 sq. miles. Adjoining these villages, there are many villages which are deserted and unpopulated. There are also some villages where neither Marathi, nor Konkani nor Kannada is in a majority. Most of such villages are claimed by the Maharashtra State without assigning any specific reasons. The only imaginable reason is that such villages, according to them, touch Marathi speaking villages on one side or the other. There are still others which do not touch the Marathi speaking villages at all. But these are claimed on the score that they touch another unpopulated village which touches the Marathi speaking village. By such reasoning of contiguity only a claim to these villages may be put forth. We have already discussed the arguments of the Government of Maharashtra in respect of the initial presumption and burden of proof and we have expressed that the burden lies on the State of Maharashtra to prove their claims to any particular village or other area which they claim. Hence it is for the Government of Maharashtra to show by specific reasons that these deserted villages should be cut off from the district in which they are now situated and transferred to the State of Maharashtra. There is no question of any benefit to the people of these villages when there is no population there. If contiguity is the reason for transfer, before such

claim is established, it will have to be seen whether a particular village or area is not contiguous to the Kannada speaking villages directly or through unpopulated villages on the same reasoning. When such contiguity with Kannada villages can be established the claim of the Government of Maharashtra cannot prevail. Similarly the claim in respect of villages where Marathi language is not in a majority is unsustainable. All such villages will have to remain in the district where they are, unless any special grounds are made out for their transfer.

211. It will be found that a few Marathi speaking villages in the centre of the taluka are surrounded on all sides by areas consisting of villages which are either deserted or unpopulated or by villages where neither Marathi nor Konkani language is predominant. Even the central area where there are Marathi speaking villages they are interspersed with such other areas.

212. The southern villages Vincholi and Ange form an island. Similarly, it appears from the map that three of the western villages Karwad, Budakanshirda and Barnoda also form an island. If these villages are left out, the central portions of the taluka above referred to will have 55 Marathi villages. In the centre of this patch again there are some deserted and othre non-Marathi majority villages. This area together with four villages of Khanapur taluk lying to the north of Haliyal taluka form an island. According to the principle of contiguity this island cannot be claimed by Maharashtra.

213. If the principle of linguistic affinity claimed for Konkan can be extended, it follows that the Telugu and Tamil languages are allied to and sister languages of Kannada, since all these three languages come from the Dravidian Family stock. If so, the Telugu and Tamil speaking population (which is quite a substantial number at Dandeli) will have to be added to the Kannada speaking population. Kannada would then be the majority language of Dandeli.

214. As already referred to above, the Taluks of Haliyal and Supa consist mostly of forest areas. Teakwood and other timbers from these forests have earned a name. The nearest markets for them is Alnavar which is a railway station in Dharwar taluk. It is situated at a distance of

7 miles from Haliyal. Dandeli is fast developing into an Industrial Centre. The forest produce such as timber, sandalwood, etc., which is sold at Dandeli has got to pass through Alnavar to which it is connected by a railway. Hence it would be wrong to cut off Haliyal taluk from Alnavar the nearest exporting centre for its forest wealth.

215. Reference has already been made to the effect that in April 1950, the then Government of Bombay had declared that the three taluks of Karwar, Haliyal and Supa were bilingual on the ground that Konkani is akin to Marathi and that Marathi should also be used for official purposes. It would be material to examine the practical result of this privilege given to Marathi language in these three talukas. It is reported by the Government authorities that the ratio of Marathi applications in Haliyal taluka office to the total number received in that office is very meagre. During the year 1961, the Taluka Office, Haliyal, received 2,988 applications of which only 11 are in Marathi. Similarly the total number of correspondence in that office amounted to 17,500 and these were either in Kannada or in English and none at all in Marathi. It is further reported that during the general elections 1962, the electoral rolls were printed both in Kannada as well as in Marathi but there was no demand for the Marathi language copies. Nothing is more significant than this piece of evidence which establishes beyond the shadow of doubt that imposition of Marathi as the official language in this area has not proved of any use to the public in general. It also shows that the claim that Konkani is akin to Marathi and that Konkani people want that Marathi to be introduced is also an idle one.

216. Similar is the position about the taluka of Supa. All the correspondence from the village level to the taluka level is carried on in Kannada and the applications received at the Taluka Office, Supa, are mainly in Kannada language. Marathi applications received in that Taluka Office form a meagre number. During the calendar year 1961 correspondence for various purposes numbered about 13,000 of which 1,000 were the applications received in that office. Out of them Marathi applications may be 8 or 10. These figures are tell-tale and point to the same inferences as drawn above.

CHAPTER XXII.

Belgaum District

217. While discussing the areas claimed from out of the Belgaum District the Government of Maharashtra assert that certain geographical and cultural aspects indicate affinity of that area to those of Maharashtra. According to them, " mostly this tract is hilly and uneven with a high precipitation as contrasted with the Kannada speaking tract, which is flat and even and has a lesser rainfall." If one proceeds from Belgaum towards the West, one comes to the hilly areas and reaches the Sahyadri Mountains. Crossing the ranges of Sahyadri, one has to climb down and down till one reaches the Arabian Sea. It is this strip of land between Sahyadries and the Arabian Sea that is known as Konkan. Thus the western part of Belgaum district is a hilly area which is generally called Malnad stretching as far as Sahyadries. The eastern part of Belgaum is no dobut a flat plateau. It is not possible to understand why this difference in geographical conditions is emphasised or what affinity lies between the hilly tracts or Malnad with the Marathi speaking areas. The only suggestion made in the Memorandum of the Government of Maharashtra is that " below the Ghats is the Konkan area of Ratnagiri District." By this it is possibly meant that these hilly areas of Belgaum district have connections with the Konkan areas of Ratnagiri district where Marathi is spoken, thus indicating that the residents of those hilly areas are Marathi. Firstly, it is too far fetched an inference. It is admitted by the Government of Maharashtra that the eastern part of Belgaum district, which is mostly a flat terrain, is purely a Kannada area. All the hilly areas or Malnad portions lie in between the below Ghat areas or Konkan where Marathi is spoken and the flat area called Bailu seeme where Kannada is spoken. If so, the normal inference will be that such areas will be Bi-lingual. Secondly it must be noted that the Sahyadri Mountains have to be crossed before the men in the hilly areas reach Konkan. Thus the geographical conditions make it difficult for the people of these areas to have connection and contacts with the people below Ghats. They will naturally have easier contacts and associations with the Kannada areas or Bailu Seeme in Belguam District.

218. Similar geographical conditions continue all along the Sahyadri Mountains otherwise known as the Western Ghats. South below Belgaum, is the District of Dharwar. The Western Part of the district is a similar hilly tract or Malnad area with higher rainfall while the eastern part is a similar flat terrain or Bailu Seeme with lesser rainfall. The Western taluks of Kalghatgi, Shiggaon, Hanagal, etc., are Malnad areas. But they are purely Kannada. The taluks of Yellapur, Sirsi and Siddapur (leaving aside Haliyal and Supa taluks which are under dispute) of Karwar district are also similar hilly tracts or Malnad areas with high percipitation but they are undisputedly Kannada speaking. The districts of Shimoga and Chikmagalur are also similar hilly tracts or Malnad areas with high rainfall and they are all Kannada speaking. Under these circumstances we are unable to appreciate the arguments on the basis of geographical conditions as made out by the Government of Maharashtra.

219. The next argument of the Government of Maharashtra is that " this Marathi speaking tract above the Ghats has always had close economic affiliation, with Belgaum City as the ' entrepot ' with the tract of South Konkan below the Ghats." Nobody disputes that these hilly tracts of Belgaum have their connections with Belgaum City. But the only point for consideration is whether for trade purposes the produce of these areas flows into South Konkan Ports below the Ghats through Belgaum City. In this connection it is stated by the Government of Maharashtra that before Bombay was developed as a port, Vengrula in Ratnagiri District was the important port on the Western Coast and that the trade and commerce of this area flowed actively through Belgaum town to the Konkan. They aver " geographically the best outlet for the Konkan area has always been Belgaum." They further say that near Belgaum there is a sudden opening from immemorable times and that this opening serves as a venue for trade and commerce between Konkan and this part of the ' Desh ' country. History does not seem to support this. Speaking of the inland trade of Ratnagiri district, the Gazetteer (1889) of that District mentions (page 174) three routes: (1) the chief route was from the town of Mahad through Ambavli Pass to Bidar; (2) up the Muchkundi River by Satavli Pass through Amba, or the Vishalgad Pass, by Kolhapur or Panhala to Bijapur and Golkonda; and (3) from

Jayatpur and Rajapur through Bavda and Kolhapur. "At the time of transfer of Ratnagiri District to the British (1819) there was little trade. Except Rajapur there was almost no permanent place of trade." The 'opening' in the Sahyadries referred to above indicates the road connection between Belgaum with the port of Vengurla in Ratnagiri District. But Vengurla has attained some importance as a trading centre during very recent times. Till 1871 A.D. the only way from Belgaum to Vengurla lay through Ram Pass, which was very steep and difficult for carts to move. A new provincial road was constructed in 1871, through Parpoli (Amboli) Pass. There is further mention in the District Gazetteer of Ratnagiri: "Ever since the British conquest Vengurla has been a rising place. It owed its importance in the first instance to its nearness to its military cantonments of Belgaum and Dharwar with which it was formerly joined by a road crossing Sahyadries at Ram Pass ..... the opening of the splendid cart road over the Parpoli Pass and the erection of the lighthouse .... have given a great impetus to Vengurla ..... It monopolises the traffic with Belgaum and the neighbouring districts almost from Nippani to Gokak." From this it will be apparent not only that the trade connections between Vengurla and Belgaum have developed only since the last century but also that the trade of Vengurla is in no way restricted to the hilly tracts of Belgaum districts also. It is clearly stated at page 174 of the Gazetteer thus: "The construction during the last 25 years of the three main cart roads connecting .... Vengurla .... by Parpoli pass .. with Karnatak has concentrated the traffic and enormously increased the free trade of those parts." Dealing with the Trade through Vengurla, the District Gazetteer of Belgaum mentions:—"Some of the Cotton shipped from Vengurla comes from Dharwar, but the bulk of it is from Parasgad and Sampagaon in Belgaum, and from Hungund, Bagalkot and Badami in South Bijapur. All of it comes down from Amboli Pass. The bulk of the 'Vengurla shipments is of local Kanarese cotton ...." Speaking of the effect of the trade connections with Vengurla, the District Gazetter of Ratnagiri mentions: (page 180) "the trade of this town is mostly carried on by Bombay merchants and traders in the Southern Maratha Country (meaning Karnatak) by means of their commission agents, dalals in Vengurla .... It is no longer necessary for the Kanarese trader in Belgaum

or Hubli, or the Bhatia firm in Bombay to keep a branch and partners at Vengurla. Even should a visit to Vengurla be occasionally necessary, the regular steamer takes the Bhatia down from Bombay, or the Kanarese trader usually makes the journey by road." From this it is clear that the trade carried on through Vengurla was never restricted to the hilly tracts of Belgaum district or to the city of Belgaum only. It extended to the other districts adjoining Belgaum like Dharwar, Bijapur, etc.

220. The above narration of trade of Vengurla and of its connection with Belgaum and other parts of Karnatak was during the 19th century, before Belgaum and its surrounding areas were connected with Bombay by rail. With the introduction of railways the whole complexion in the field of trade and commerce was completely changed. The trade of the whole of Belgaum district has since been diverted to Bombay directly through rail. Carrying of loads to Vengurla by carts (before the introduction of lorries in the last two or three decades) and then loading them into ships was more cumbersome and costly as compared with the small cost and easy transport by railways. The trade of the upghat Districts through Vengurla was naturally discontinued. The local trade of Vengurla and its surrounding areas is however directly carried on with Bombay by sea. But during the monsoons communication by sea is closed. Thus the traffic to Bombay has to pass on to Belgaum and from there, proceed to Bombay by rail. This circuitous pass is resorted to only during the monsoons. Even then, it is the southern parts of Ratnagiri district such as Vengurla, Sawantwadi that make use of the route through Belgaum. The northern part of Ratnagiri district has its communication up to Kolhapur by road and further by rail to Bombay and *vice-versa*. The contention of the Bombay Government that Belgaum City is the entrepot for the tracts of Konkan is not correct.

221. A point is sought to be made out by the Government of Maharashtra that there is a marked identity of the Marathi speaking area of the district with the social structure of Maharashtra. Amplifying this point it is stated that " the same stratified structure of caste organisation, namely, Brahmins, Marathas and Mangs and other smalled communities." are found in this area in the same way as in Maharashtra. " Stratified structure of caste

organisation" is peculiar to the Hindu system of society, and is therefore found everywhere. A similar stratified structure is noticeable in the pure Kannada districts also. In some cases even the names are similar. In some other cases their equivalents in the Kannada or Marathi languages are used,—though they may be found in more or less proportions in different areas. As contrasted to the above communities, which according to the Government of Maharashtra, are noticeable in Maharashtra, they mention that Lingayats and Vaishnava Brahmins are some of the more important communities among the Karnatakas. But Lingayats are quite numerous in the district of Kolhapur in Maharashtra State. It will be seen from the District Gazetteers of Ratnagiri and Kolaba, that Lingayats are found in Konkan also in good numbers. Although some of them might have gone for purposes of trade and settled there, it is stated that some others are indigenous people of the locality—particularly those found in the neighbourhood of Sangameshwar. In the District of Kolaba they are known as Lingayat Vanis while in some other districts of Maharashtra like Poona they go by the name of Vanis only. Among Brahmins, Shaiva and Vaishnava are two different schools of philosophy. There have been two different classifications called Shaiva Brahmins and Vaishnava Brahmins, according to the allegiance they owe to the propagators of one of those schools of thought. It would not be correct to say that Vaishnava Brahmins are found only in Karnatak or that the Shaiva Brahmins are found only in Maharashtra or *vice-versa*. These distinctions are in no sense indicative of the languages of the people following these schools of thought. In fact they are to be found all over India in smaller or bigger proportions. In the Imperial Gazetteer of India (Vol. VII, page 149) it is mentioned that the chief castes in Belgaum District are Brahmins (mostly Deshasthas), Ayyas or Jangams (Lingayats), Banjigs, Jains, Marathas, Chhatris, Hunbas, Lingayats—Panchamsalis, Panchals, Uppars, Lingayat Hongars or Malagars (flower sellers), Kurubas, Goulies, Holiars, Mangs or Madiks, etc. Most of these communities—particularly craftsmen, etc., include persons—some speaking Kannada and some Marathi.

222. It is urged by the Mysore Government that historically Belgaum district has always been under

Kannada Kingdoms. It was originally ruled by the Chalukya Princes and subsequently by the Rashtrakutas, Rattas and Yadavas. It next formed part of the Vijayanagar Empire. After the fall of that Empire it was under the Bahmani Kingdom of Bijapur and for some time under the Nawab of Savnur (a Kannada Chief). Thereafter it was overrun by Hyder Ali in about the year 1776-7. It was subsequently taken by the Marathi Peshwas with the assistance of the British. In 1818, when the Peshwas went out of political picture, the area passed on to the British. Hence for centuries it was under Kannada Rulers. But it has to be remembered that the last who ruled, prior to the British, were the Peshwas. Naturally their influences are still to be found.

223. When the British took this area they made it a part of Bellary District and later on a part of the Dharwar District. In 1836, the latter district was divided and a new district of Belgaum was formed. It is thus asserted by the Government of Mysore that administratively Belgaum tract has been an integral part of Karnatak for centuries. It is further contended by them that in addition to Belgaum being the Headquarters of the District it has also been the Headquarters of the Karnatak Division in the old Bombay State since the Divisional Offices of several Departments partaining to Karnatak division have been located in that City. This last averment is refuted by the Chief Minister of Maharashtra in his reply statement as follows: It may be pointed out that there was *never* any division named or purporting to be Karnatak Division in the former Bombay State. The Southern division of the former Bombay State, which was a Commissioner's revenue division, has its seat in Belgaum. The Division included the districts like Kolaba and Ratnagiri and later Kolhapur, which are, of course indisputably Marathi speaking Districts." He is right in saying that the Revenue Division was called Southern Division and not Karnataka Division and also that the two Marathi speaking Districts of Ratnagiri and Kolaba were tagged on to it for administrative purposes. But it must be remembered that the British Government was not interested in calling the division by their linguistic affinities. Although the whole of British-Gujerat area formed one division it was called as Northern Division and not Gujerat Division. Similarly, the division consisting of Marathi Districts was called the Central Division

and not Maharashtra Division. That was how the name "Southern Division" must have been given although all the four Kannada Districts of Bombay Presidency were in that Division. The two Konkan Districts of Ratnagiri and Kolaba were added on purely for administrative convenience and not at all on grounds of linguistic affinity. But the fact remains that the four Karnatak districts, namely Dharwar, Bijapur, Belgaum and Karwar then formed a compact unit in one Revenue Division and that the headquarters of that unit was Belgaum. The fact that the two Marathi speaking districts were linked on with it does not take away the significance of the point that the said four districts have all along been a compact body with their administrative centre at Belgaum. This position still continues even after reorganisation. By this an organic and administrative unity has naturally developed. If the two Marathi speaking districts had also developed such contacts with Belgaum, that may be an argument against their being detached and added on to Maharashtra. But that is not the question at present.

224. That the Karnatak district formed a compact unit not only for the purposes of Revenue Department but also in respect of other Departments is mentioned by the Chief Minister of Mysore in his Rejoinder Statement. He states that the word Karnatak was applied to the four Kannada districts in respect of "Karnatak Irrigation Circle and the Regional Transport Office." He also refers to the Karnatak University which comprises within its jurisdiction the same four Kannada districts. He urges that the Karnatak University Act is a statutory recognition given by the Legislature to the four districts above said that they are Kannada areas. Besides, the said four districts formed also part of the Co-operation Division in Bombay Karnatak. There was also a separate division for these four Districts of the Co-operation Institute in Bombay. Belgaum has been the seat of Divisional offices of the Forest and Health Departments also. The office of the Divisional Inspector of Police is also in Belgaum. In addition to this it should be noted that Belgaum formed part of Bombay Karnatak Postal Division from the earliest times. Noting the total number of post-offices then existing, the District Gazetteer of Belgaum mentions (page 311) : "All are supervised by the Superintendent of Post Offices, Bombay Karnatak

Division and are paid by the Belgaum Disbursing Office."

225. As regards the language of the district, we have already dealt with it in Chapter VII (Readjustment—not necessary) and in Chapter XV (Linguistic Minority) that the language of administration in Belgaum has all along been Kannada.

226. Apart from the general arguments in favour of discarding 'the District as unit' and for accepting the 'village as unit' certain special arguments have been advanced by the Government of Maharashtra in so far as the Belgaum area is concerned. We have already mentioned that after the acquisition of the areas of this district by the British they were first included in the district of Bellary and then in the district of Dharwar which was carved out of the former. An independent district of Belgaum was formed in the year 1836. The effect of these changes is made use of to support the contention that the district (in so far as Belgaum is concerned) does not furnish a dependable unit of geographical or organic unity. We have already considered the geographical aspects. So far as the development of an organic unity is concerned, more than 100 years of administration as one unit is sufficiently a long time for the development of various ties and of organic unity. It is further urged that since the year 1949 owing to merger of States, 1000 square miles of area of those States with a population of some five lakhs was added to Belgaum District. From these it is argued that even "the taluka would fail to furnish a measure of stable organic unity just like the district". The total number of such villages coming from the different States into Belgaum District is 228. Most of those villages were islands in the talukas of Belgaum District. Hence they were merged in the respective taluks. In the case of 30 compact villages coming from Rayabhag Mahal of Kolhapur State, a separate taluk was formed by adding to it some other villages. Similarly villages from Ramadurg State and some other areas were formed into another taluk. The only other taluk that is substantially affected is Belgaum Taluk. About 94 Villages have been added on to it from the Princely States. At this stage we may mention that in our opinion the linking of these villages with Belgaum taluk as recently as 1948-49 cannot

be said to have developed an organic unity of a taluk so far as these villages are concerned.

227. It is not the case of Government of Maharashtra that these newly added villages or any group of them have developed a different type of organic unity or they are linked with any other city or taluk so that that unit may be separately considered and dealt with. At the same time it cannot be overlooked that although they were parts of the Princely States they have been looking up to Belgaum for all matters. Their trade relations have always been with Belgaum. For their educational, medical and such other facilities they have always approached Belgaum. Except that they were administratively connected with their Princely States—most of them far away—for all practical purposes they have been as though they were parts of Belgaum itself. We cannot, therefore, agree with the view of the Government of Maharashtra that Belgaum taluk or for the matter that any other taluk in Belgaum district fails to furnish a measure of stable organic unity.

228. A point is made out by the Government of Maharashtra that "Village Patels and Vatandars of the Marathi speaking tract are all Marathi speaking and mostly drawn from the Marathi community." This averment is refuted by the Government of Mysore. They quote the actual figures that in Belgaum itself of the two Patils, one of them is Marathi speaking and the other is Kannada speaking. In Shahpur and Khasbhag all the Patils are Kannada speaking. We cannot attach much importance to these village offices. Similarly about the Vatandar Mahars and other village service vatans, we do not attach much importance to these appointments. Watans granted to them were more or less accidents of History. Any Ruler or Chief who occupied the area usually gave grants of villages or watans for services rendered. It is natural that the person who gave those watans gave them according to his choice or the exigencies of the time. It is likely that if the Ruler or the Chieftain was a Muslim, the donee was generally a Muslim and so on. We are not therefore inclined to attach much significance to this point.

229. In respect of their stand that there is social and cultural affinity between the areas claimed from out of

the district of Belgaum and Maharashtra, the Government of Maharashtra states " the blood relationships of Marathi speaking population of this tract is apt to be with the residents of Kolhapur, Ratnagiri and other parts of Maharashtra and not with the adjoining Kannada population." It is not a special feature. But still a small matter is pressed into service by the Government of Maharashtra to support their case. What is asserted by them in respect of Marathi speaking population is also equally true in respect of Kannada speaking population or as a matter of fact, of a population speaking any other language. Ordinarily, every one is apt to form blood relationship with people speaking his own language. In a Bi-lingual area the social connections of the people speaking the two languages will necessarily be towards the two linguistic areas although there may be exceptions to that rule. We wonder how this feature will sustain the case of the Government of Maharashtra.

Khanapur Taluka

230. This taluk consists of 257 villages including the towns of Khanapur and Nandagad. The total area of this taluk is 675.3 sq. miles and the total population is 99,790. Out of this 206 villages, including both the towns of Khanapur and Nandagad, with an area of 587.1 sq. miles and a poulation of 68,522 are claimed by the Government of Maharashtra. This leaves 51 villages with an area of 88 sq. miles and a population of 31,238 for Mysore State.

231. In the town of Khanapur 49.6 per cent of the population speak Marathi while in Nandagad 39.8 per cent of the population speak Marathi. In the whole taluk 54.3 per cent are Marathi speaking. To the North of this taluk is the taluk of Belgaum while to its East are the admittedly Kannada areas of Belgaum and Dharwar districts. To the South of Khanapur are taluks of Haliyal and Supa. A portion of the Western boundary of this taluk touches Goa territory and in the Northwest lie the areas of the districts of Ratnagiri and Kolhapur (Chandgad) taluk which was before Reorganisation part of Belgaum District.

232. As discussed while dealing with Haliyal taluka, on the ground of linguistic homogeneity only such villages

where the majority of the population speaks Marathi can be claimed by the Government of Maharashtra. We have also explained that villages which are uninhabited or which have no Marathi majority have to remain with Mysore where they now stand, until for any special reasons their transfer is shown to be justified. On these principles the four southern villages Godgeri, Godoli, Pur, and Tavargatti are disconnected by the other Marathi speaking villages of the Taluka. To the north of these villages are uninhabited and non-marathi villages linked with the Kannada villages of the Taluka. All such areas will go with Kannada and remain in Mysore even according to the criteria of Maharashtra. Such a belt in the southern part of Khanapur extends further into the Haliyal taluka and as mentioned before it makes the Marathi majority villages of that taluka and the four villages above said, an island, the claim to which fails to satisfy the criteria of contiguity.

233. This taluk is also a hilly area of the Sahyadri range with thick forests and high precipitation. In most respects it resembles the areas in the taluks of Haliyal and Supa. All these areas have the same physical and geographical conditions and are commonly known in Kannada as Malnad (hilly tract). This tract which extends to the taluk of Belgaum in the North, stretches southwards to the Malnad areas in the districts of Dharwar, Shimoga, Chikmagalur, etc., of the Mysore State. During the last six decades, if not more, these Malnad areas have been showing a decline in local population. The climatic and other conditions are very bad and there have been little or no development in these areas. This has posed a serious problem of general importance and efforts are being made by starting special organisations for the development of Malnad areas. This matter has drawn the special attention of the States Reorganisation Commission in the course of their report. They observe (para 354) : " The fact that practically the whole of the Malnad will belong in future to one State is not an insignificant gain and it may be expected that co-ordinated planning for these hilly areas will be easier." This was possibly one of the considerations that made the Commission in retaining Khanapur taluk in the District of Belgaum. The same observation was made by the S.R.C. while dealing with Coorg. " The whole taluk of Coorg forms part of Malnad which belongs essentially to

Karnataka." It is significant to note that the taluk of Chandgad which adjoins this taluk was detached from Belgaum district and linked with the district of Kolhapur in Maharashtra, since the Commission felt it necessary to do so because of the high percentage of Marathi population in that Taluka amounting to 92.4 per cent.

234. Historically this taluk has almost always been in the hands of Kannada Rulers. Nandgad, a town, about 7 miles south-east of Khanapur is an important trade centre and has a population of 5,343. It was under the Chieftain of Kittur in Belgaum District. He was responsible for encouraging and stabilising this place as a trade centre. One of the Kannada heroes of the locality called Sangolli Rayanna was defeated by the British and on his capture he was hanged at Nandgad. As a mark of respect to him, a temple has been built there to which people flock praying for health and children. Husbandmen on their way to the market of Nandgad do not proceed further without offering prayers to this hero and praying for better rates for their produce.

235. In the villages of Khanapur taluka, several inscriptions are found which are in Kannada. Of the inscriptions found in Deogaon village in this taluk, one is in Kannada while the other is in Sanskrit. They are published in Vol. IX of the Royal Asiatic Society Journal (Bombay Branch) at pages 266 to 270. At pages 296 to 303 of the same Volume are published the inscriptions found at Golihalli another village in this taluk. They belong to the period from 1160 to 1172. There are two or three more Kannada inscriptions at Bailur and Bidi but they are not yet published. It may be recalled that Bidi was ruled by the Chieftain of Kittur.

236. River Malaprabha has its source in the Sahyadri mountains and flows through this taluka. The Government of Mysore has taken up this irrigation project called Upper Malaprabha Project. It is proposed to put a Dam near Bhutewadi. This Project is expected to irrigate about 75,000 acres of land in the talukas of Khanapur and Bailhongal, etc. The acreage to be irrigated within the area of Khanapur taluk, now claimed by the Government of Maharashtra may be about 20,000 acres only while most of the area to be affected by this work will be in the Kannada areas of Khanapur, Bailhongal, etc.

The Head works of the Project comes within the area claimed by Maharashtra. The area for which this Project is most essential and the area down below, including Khanapur and some other villages will have to remain in Mysore. In this situation the claim for the remaining portion of the area in Khanapur taluk loses much of its force. Hence it is very essential that all these areas in Khanapur taluk remain in the State of Mysore.

Belgaum Taluk

237. Belgaum taluk consists of 146 villages and 7 towns, four of which go to make the Belgaum City. The total area of this taluk is 394.4 sq. miles and its total populaton is 2,80,693. The Marathi speaking population is slightly less than half being 49.8 per cent. From out of this taluk 84 villages including the City of Belgaum are claimed by the Government of Maharashtra. The total area thereof comes to 220 sq. miles while the population that is going to be affected is 2,20,389. This leaves 69 villages with a population of 60,304 and an area of 174.4 sq. miles to the State of Mysore. Speaking about the development of the population in Belgaum, the Belgaum District Gazetteer (page 523) states that Belgaum was not a large town either under the Mussalmans (1350-1750) or the Marathas (1750-1818). "The choice of Belgaum Headquarters of the Collectorate and of the Chief Military Station in the Karnatak brought a large accession to the population".

238. According to the map appended to the case of Maharashtra Government not only is the City of Belgaum included in the Marathi speaking area but 9 more villages to the east of Belgaum are also included in the area claimed for transfer. In this way Belgaum is made out to be a place in the interior of the Marathi speaking areas and not one on the border. Even according to that map a small strip—something like a corridor—is claimed by way of access to these 9 villages on the east. This is not a correct representation. Even according to the 1951 Census figures (about the correctness of which legitimate doubts have been expressed) immediately to the east of Belgaum City lie the areas of pure Kannada speaking villages like Kanbargi, Kudechi, Alarwad and Shindolli. It may be interesting to note that the percentage of Kannada speaking population of these villages is 66.3,

73.4, 98.1 and 95 respectively. To the east of these villages lie the 9 villages which are claimed by the Government of Maharashtra as Marathi speaking. They are not contiguous to the City of Belgaum or any other part of Belgaum Taluka shown as Marathi speaking. The said villages, therefore, form a pocket and are not contiguous to the area claimed by Maharshtra. Hence even according to the Formula relied on by the Government of Maharashtra no claim can lie in respect of these villages.

239. According to the map of Belgaum taluk which is printed in that Census Handbook, the City of Belgaum is shown right on the border line between the areas speaking Kannada on the one side and Marathi on the other. On the Western side of Belgaum there are hilly tracts generally called Malnad. These are mostly forest areas with few arable patches here and there. It is roughly this area that is claimed to be Marathi speaking. We have already dealt with the nature of such hilly tracts which are commonly known as Malnad and have referred to the observations of the States Reorganisation Commission in favour of the whole of the Malnad area coming under the jurisdiction of one State so that it may develop better.

240. Since times immemorial Belgaum has been a Kannada area ruled by Kannada Kings. Acording to the inscriptions of the 12th and 13th centuries Belgaum was known as Venugrama or Velugrama. Besides these several Kannada inscriptions have been found all over the district and particularly in Belgaum also. Two Ratta inscriptions found in the fort temples in Belgaum have been published by Dr. Barnett in Epigraphica Indica—Vol. XVIII. They are both in Kannada language. It is learnt that these inscriptions have been taken to the London Museum. The Karnataka Research Institute of Dharwar undertook an epigraphical survey in 1940-41. They have published two inscriptions found in Belgaum of the years 1199 A.D. and 1261 A.D. They were found on two pillars of Sufa Masjid. Both are written in Kannada language but in Nagari characters. The Fort of Belgaum itself is said to have been built by a Jain King. It is said of this Fort in the Belgaum Gazetteer thus :

> "The Ramparts were of stone and sufficiently high and strong to give Belgaum Fort a place among the first class forts of *Bombay Karnatak*."

It may be noted here that the District Gazetteer of Belgaum which has been published as early as the year 1884 is titled as 'Bombay Gazetter-Karnatak', thus indicating that Belgaum was a part of Karnataka.

241. We have already discussed the question that particularly in the case of towns and cities the linguistic composition of the place is not likely to reflect those in the immediate neighbourhood as persons from far off places are generally attracted to the Cities for various reasons.

242. While dealing with the Cities in general in Chapter XVIII, we have referred to the facts that as a result of the resolution of the Indian National Congress in 1920 for forming linguistic provinces, the Karnataka Province was formed including the whole of Belgaum District without any demur from any one and that in 1924, the Session of the Indian National Congress invited by the Karnatak Provincial Congress Committee was held in Belgaum as one held in Karnataka area. We have also referred to the fact that in 1929 Kannada people in Belgaum suspected the proposal of holding the Marathi Conference at Belgaum and that there was some tension created between the two linguistic groups and that the same was set at rest by a joint statement issued by the leaders of both the groups—Sri N. C. Kelkar and Sri N. R. Gunjal, M.L.C. of Poona being on the Maharashtrian side. The linguistic consciousness was aroused at that time and the bitterness that had started between the linguistic groups remained more or less dormant till they were again aroused in 1946 when the Dar Committee was appointed for considering the question of the formation of provinces on linguistic basis, including Karnataka. Since then the Marathi section of Belgaum has been very active in pushing their case and in trying to build up evidence in support of their case. Some of the enthusiasts were prone to be aggressive and in some instances they exhibited intolerance also. One such instance was when the ceremony of laying the Corner Stone of the Market Building at Belgaum was to be held. To satisfy both the linguistic groups Sri M. P. Patil, the then Minister in the Government of Bombay, who was invited to perform the function proposed that the inscriptions on the Corner Stone should be both in Kannada as well as in Marathi languages. The Municipality was pleased to

agree to this proposal but some enthusiasts of Marathi raised a protest with the result that Sri M. P. Patil had to decline to perform the ceremony.

243. Apart from the fact that prominent citizens like D. V. Belvi, Bhimrao Potdar and others have done yeoman service to the Municipality of Belgaum as its Presidents for several years, it is to be noted that the majority body in the Municipality has often been the Marathi people. This is because the more educated and the more influential are usually found among the Marathi people. The reasons for such a situation are three. Firstly, although the colleges were started by the British Government first in Bombay and Poona by about the middle of the 19th century there were no colleges at all in the whole of Bombay Karnatak districts till the year 1916. It was therefore a herculean task for any Kannadiga to receive higher education by going to Poona or Bombay by living in unfamiliar conditions apart from the high incidence of cost. Secondly, the seat of Government being in Bombay and partly in Poona and the highest Indian Officers in the Government being Maharashtrians (apart from a few Gujaraties) all the officers that were sent to Karnataka districts used to be Maharashtrians. They naturally encouraged Marathi people in so far as it lay in their hands. For these reasons Lawyers, Doctors, Engineering Contractors and such other classes were mostly Marathi people in Belgaum. Thirdly, there was the influence of the Southern Maratha Chiefs who were also Marathi people. The Headquarters of some of these Chiefs were round about Belgaum. Whatever the reasons, the fact remains that the Municipality at Belgaum has been under the control of Marathi elements over a long time. There is nothing wrong about it. But unfortunately this has brought in its train a sort of encouragement to Marathi and discouragement to Kannada. The Municipal office at Belgaum is said to be keeping its records in Marathi language. One need not find fault with it so long as other languages in Belgaum also get their due, since Belgaum is a bilingual area. Although the non-Marathi population of Belgaum is nearly half of the total population they are not given proper facilities that ought to be their due. The Notices issued by the Municipality for recovery of dues, and receipts in respect of payment of dues are all in Marathi language. At the time of Municipal elections the voters lists and voting

papers are usually printed in Marathi only. In a bilingual area fair play requires that such documents with which all the public are concerned should be in both the languages. It is alleged that any applications or communications to the Municipality written in Kannada are left unattended to. When both Kannada and Marathi are national languages and when the Prime Minister proclaims from the Floor of the Parliament that every citizen of India has a right to send any communication even to the Central Government in any of the National languages, it is rather curious that the Municipality of Belgaum should adopt such an attitude if that is correct. In the course of our visit to Belgaum we received complaints from Kannada citizens of Belgaum who had declined to pay the Municipal dues because the Municipality had refused to pass receipts to them in Kannada language. We only hope that such state of affairs will not persist and that better conditions and better opportunities to all languages are afforded. We mention these not with a view to find fault with the Municipality or its policy or to offer them our advice. We mention them because a point is made out that the maintenance of records by the Municipality in Marathi is a piece of evidence to show the Marathi character of Belgaum City.

244. It is contended by the Government of Mysore that the results of the 1951 Census in so far as they relate to the Cities of Belgaum and Nippani, if not to their surrounding areas, are not correct and do not deserve to be relied upon. On the face of it the contention looks grotesque. But on a security it can be seen that it is not without basis. After examining such complaints Mr. Bobman, I.C.S., the Superintendent of Census, Bombay, observed that he did find *Wilful distortions* in the answers to the questions regarding Bi-linguism in the Municipal area. It appears that in 1951 Census the work of carrying out the Census operation in Belgaum Municipal limits was entrusted to the control of the Municipality and enumerators had to be appointed by the Municipality to go from door to door to take down the details in respect of the residents of each house. The Municipality appointed mostly Marathi persons as enumerators. It is alleged that these enumerators put leading questions or noted down wrong information in favour of Marathi. As the answers to language questions were noted down in numerical figures and not in words, the person who gave

the reply had no opportunity of verifying the correctness of the record made by the enumerator. When such acts came to the notice of the Kannada people, efforts were made to rectify them but without success. The Karnataka Provincial Congress Committee passed resolutions that enumeration should be done by persons having different mother tongue working in pairs in all areas where linguistic tension existed. The Maharashtra Congress Committee also passed a similar resolution. Kannadigas of Belgaum had ultimately to approach the Superintendent of Census Operations whose headquarters was in Bombay. After several requests he came down to Belgaum, examined and tested some cases and found out that here were wilful distortions. Thereafter he gave instructions to the Municipality that from then onwards they should appoint two enumerators to work jointly, one of whom must be a Kannada person and the other Marathi. But by then most of the mischief have been done since the Census work had already advanced considerably. It is, however, alleged that even after such instructions from the Census Superintendent the Municipality tarried for a long time in bringing into affect the directions of the Census Superintendent. As a result of the Census records do not reflect the correct linguistic position in Belgaum. Similar allegations are also made in respect of Nippani and its surroundings. The errors that have crept in the report of 1951 Census do persist. There is no way of getting them corrected. We have simply to await the figures of 1961 Census. Although more than a year has elapsed since after that Census unfortunately figures about language are not yet available.

245. Apart from the foregoing, in the case of any town or city, which is right on the border, it is possible to link it as easily with one part as with the other. It would be wrong to decide the question merely on the linguistic composition of the city. The proper consideration would be to see whether the linking of the city with one of the two States would be more beneficial to the people with whom it is linked and also to the city which is so linked. The city is a place which has to serve the interests of areas round about and it is also fed and developed by some such areas. This brings into prominence the economic relations of the City. It is likely that a place like Belgaum will have economic relations with Marathi areas on one side as well as with Kannada areas on the other. Even

after admitting these, the States Reorganisation Commission observes : " Neither Belgaum Town nor the other disputed areas, however,have any particularly marked economic affiliations with the Marathi-speaking areas of the Districts of Bombay."

246. To show such affiliations exist, the receipts by the Municipality from the various Octroi Nakas are brought to be made use of. On this basis a case is made out by the Government of Maharashtra that the average annual collections (in respect of 3 years 1954-55, 1955-56 and 1956-57) of Octroi duty on goods coming from Marathi areas amounted to Rs. 4,56,363 while the same on goods coming from Kannada areas was Rs. 1,87,567. In addition to this, an amount of Rs. 6,42,733 is claimed on the average annual collection of revenue at the Municipal Office in respect of the goods coming by Railways and Post-parcels. It is claimed by the Government of Maharashtra that 80 per cent of the above should be deemed to be the realisations, in respect of the goods coming from Bombay and Marathi districts. This case is refuted by the Government of Mysore who supply statistics to show that the octroi received from Kannada areas is much more than that received by the Municipality from the Marathi areas. At this stage it may be useful to mention that apart from the item relating to the collections in respect of the goods received through post-parcels and railways, the other octroi received by the Municipality is through the 15 nakas or octroi collecting depots. About the amounts collected by each of these nakas there are no differences in the figures given in the two cases. But unfortunately the two Governments do not agree as to which naka gets materials from Kannada areas and which from Marathi areas. According to the Government of Bombay out of 16 Nakas, only three *viz.*, Dharwar Naka, Sub-Dharwar Naka and Kasai Naka are located on roads coming from Kannada areas and all the remaining 13 are on roads coming from Marathi areas. The octroi collection figures of Bombay Government are calculated on this basis.

247. According to the case of the Government of Mysore, 6 nakas receive goods from Kannada areas while 3 others receive goods from Marathi areas. They, however, admit that there are some nakas where the goods received are both from Kannada as well as from Marathi

areas. They call these 'mixed' nakas. The total number of nakas thus comes to 15 only. The 16th naka, which is called the Patil Agasi naka (also called Patil ves naka) is near the Railway station and the goods received there are mainly those that come by rail. The octroi in respect of this naka and that in respect of the parcels received through post are not included by the Government of Mysore. They however choose to account for them separately. The total collections under these heads, therefore, amounts to Rs. 5,04,431-4-0 for the year 1955-56 and to Rs. 5,62,695-11-3 for the year 1956-57. The octroi ccollecions from the 6 nakas shown by the Government of Mysore as Kannada nakas amount to Rs. 3,80,585-10-6 for the year 1955-56 and to Rs. 3,94,423-12-6 for the year 1956-57. The total collections for the said two years from the three nakas, which alone according to the Government of Mysore receive goods from the Marathi areas amount to Rs. 97,222-15-3 and to Rs. 1,11,596-8-6 only. The total amounts collected at the 6 nakas, which relate to mixed areas, amount to Rs. 1,04,027-14-6 and to Rs. 1,05,081-15-6 in respect of the said two years. From these figures the Government of Mysore concludes: "The income from the nakas, through which there is access to the town from the exclusively Kannada areas, is more than double the income from the nakas located on the roads leading exclusively to Marathi areas".

248. In view of these differences between the two cases it becomes necessary for us to consider which of the two versions must be nearer correct. The only way of testing the two versions is to find out the villages from which agricultural produce and other articles pass near a particular naka and then to find out whether those villages which have access by that particular road can be said to be Kannada speaking villages or Marathi villages. For this latter purpose the Government of Maharashtra presumes that every village more than half of whose population is Marathi speaking should be deemed to be a Marathi village. But the Government of Mysore does not agree with this presumption. According to them whether a particular village round about Belgaum should be deemed to be a Marathi village or a Kannada village is itself one of the points in dispute. For the purpose of finding out whether the octroi paid is from a Marathi village or from a Kannada village it would not be proper to consider the subject on the presumptions relied upon

by Maharashtra Government. When the point for consideration is whether the octroi received is from a Kannada or Marathi village it pre-supposes that some of the villages are Kannada and some others Marathi. For finding which of them are Marathi it will be fair to make a presumption (ony for the limited purpose of considering this point) that villages where majority of people speak Marathi may be deemed to be Marathi village.

249. The language map of Belgaum Taluk has been prepared and printed in the Language Handbook of 1955. This map shows that a line drawn North-south through Belgaum taluk devides the taluk into two language areas—portion to the West being shown as Marathi and that on the east being shown as Kannada. No doubt there are some Kannada villages in Marathi areas and Marathi villages in Kannada areas. From this it can be seen that the roads that come from the eastern half will bring goods from Kannada villages while those that come from the Western half will bring goods from the Marathi villages. But the roads that come from the North and South are likely to bring goods either from Kannada villages or from Marathi villages or from both. There are some such roads. This shows that the classification made by the Government of Maharashtra that only 3 nakas bring goods from the Kannada villages and that the rest of 13 nakas from Marathi villages is not proper. On the other hand, the version of the Government of Mysore, which candidly divides into three classes by saying that some nakas get goods from Kannada villages, some from Marathi villages and some others from both, appears to be more plausible and rational. The only way to determine whether a Naka can be classified as Marathi or Kannada or mixed, is by finding out the villages which are likely to carry their produce through that naka. It is admitted by both sides that the three nakas, *viz.*, Dharwar Naka, Sub-Dharwar (also called Puravani Dharwar Naka) and Kasai Naka get goods purely from Kannada villages. Similarly it is admitted by both sides that the three nakas, viz., Vengurla, Bogarves and Ramaghat Nakas get goods from the Marathi villages. The roads leading to the first three come from the eastern portion and those leading to the second through western portion of Belgaum taluk. We are therefore left to examine the position of the remaining nakas.

250. Out of them two roads require special consideration one of them proceeding towards the North and the other towards the South. Two nakas are connected with the former road. Kagatives naka possibly receives its name from the village Kagati at a distance of about 6 miles to the North of Belgaum on the main road from Belgaum to Kolhapur. This is a Kannada village. Kaladgi naka is on the same main road. The roads from these two nakas meet half a mile away from Belgaum. This road proceeding northwards passes through Kannada areas of Belgaum and Hukkeri taluks till it reaches Nippani (in Chikodi taluk) which is a disputed place. The main villages it touches are Sutgatti, Hattargi, Yamakanmardi, Sankeshwar, etc., the last of which is a trading centre. All these are Kannada villages. Roads from Pachapur Vantamuri, Daddi, etc., also join this main road. These are villages in Kannada area. It is not unlikely that a few Marathi villages on the Western side of Belgaum taluk may have an access to this road. But even to the west of this road there are many Kannada villages. The goods that are likely to come from these Marathi villages would be negligible. We are inclined to agree with the claim of the Government of Mysore that both these nakas should be taken as Kannada nakas.

251. The road to the south of Belgaum is one that leads to Khanapur. Three nakas are connected with it. They are Nagazari naka, Shahpur naka and Khanapur naka. Of these, the last one is a check naka and is located near the Telegraph Office within the City area. In their claim to the town of Khanapur and to a major portion of that taluka as being Marathi, the Government of Maharashtra appears to claim that the Khanapur road passes through Marathi area and consequently these nakas should be deemed to be Marathi nakas. But the town Khanapur which is the important place on this road can be considered as a Marathi village, since the Marathi population in that town is less than 50 per cent. Besides, road is connected with another important town called Nandgad where also the Marathi speaking population is hardly 39 per cent. One more important pace connected with this road is Bidi which is admittedly a Kannada village. In view of the situation of this road, the only proper way to classify the said nakas touching this road is by treating them as mixed. The Government of Mysore has classified the Vaccine Depot Naka as a mixed naka.

But the road passing in front of it proceeds towards the west and touches Marathi villages. We think it proper to consider this as a Marathi naka. Similarly we agree that Vadagaon naka may be classified as a Marathi naka.

252. Of the remaining, Khasbhag naka has got to be treated as a mixed naka. The roads passing in front of it cannot be said to proceed either exclusievly to Marathi areas or exclusively towards the Kannada areas. The main road from Dharwar to Belgaum branches off towards the west and touches Khasbhag naka. This naka is supposed to act as a check naka for goods that might have escape octroi assessment at Dharwar naka. We, therefore, think it proper to classify it as a mixed naka.

253. Hosur naka is not a stationary naka but a roving one intended for the purpose of checking avoidance of payment of octroi at the stationary nakas. The collections from this naka may be in respect of goods coming from either areas. It is not possible to say that collections by this naka are in respect of goods coming either from Marathi areas or from Kannada areas. Therefore in our view the proper way to classify it would be as Mixed. Besides the above 15 nakas, there is one more naka called Patil Agasi Naka (also called Patil ves naka). This is located near the Railway station within the Municipal limits. Goods coming through railway pass by this naka and octroi to the tune of about a lakh of rupees are collected per year. It is not possible to attribute the collections as on goods coming from Marathi areas or from Kannada areas. That is why the Government of Mysore have refrained from including this in the list of nakas, as the octroi collections from it can as well be ascribed to one as to the other linguistic area. But the Government of Maharashtra, however, that this is the 16th naka, the collections at which should be deemed as levied on goods coming from Marathi areas. It cannot be understood how the collections of octroi in respect of the railway goods could be assumed to be in respect of goods from Marathi areas. We cannot agree with their contention. If at all, this naka has to be classified as a Mixed Naka.

254. The idea behind the above considerations is the implication that the produce grown by the villagers is brought by them to Belgaum city thus showing not only economic ties between the villages and Belgaum city but

also the flow of the people of those villages to Belgaum for purposes of marketing. It is not merely that some goods are brought by a particular route or road, or even from a particular place. The goods that come by railway do not establish any such relationship with Marathi or Kannada people. Hence the octroi that is received from such goods that come through railway—which amounts to about Rs. 4,50,000 per year—or through Post-parcels—which totals to about Rs. 15,000 per year—will be of no use for the purpose of our investigation. They will have to be left out of account.

255. Some collections are said to be made at Municipal Offices. From out of the deposits kept by merchants, the amounts due in respect of octroi are verified and adjusted. In this connection it should be noted that octroi is collected in the first instance even in respect of goods in transit when they enter the city limits. But when they go out of Belgaum within 24 hours of their arrival, the tax paid on them is refundable on the production of import bills. It may be that such refunds are made at the Municipal Office, or at the Naka from where they exit. It is likely that the figures of total octroi received are to some extent unreal because of such refunds. In view of these considerations it would be proper to exclude the realisations in respect of goods received by rail (including the realisations at the Patil Agasi Naka where some of them pass) and realisations of octroi on post-parcels and those at Municipal Offices from consideration.

256. In respect of the nakas which receive goods from both the areas and which are classified as Mixed Nakas, there is no material before us to find out the proportion of the goods that flow in from each of the linguistic areas. Besides, the realisations in respect of these mixed nakas are not much. The total of all Nakas comes to Rs. 94,282 and Rs. 91,866 for the years 1955-56 and 1956-57. The amounts received through Kannada nakas for the above two years are Rs. 3,79,258 and Rs. 3,93,233 and those from the Marathi nakas are Rs. 1,08,497 and to Rs. 1,16,051 respectively. Thus it would be obvious that the trade connections of Belgaum are mostly with Kannada areas.

257. The Government of Mysore has classified the receipts of Octroi by the Belgaum Municipality commodity-wise. From that statement it will be seen that some

of the goods received from outside stations like Punjab, Agra, U.P., etc., are Pulses, Tea, Coffee, Crude Oil, Petroleum, Kerosene Oil, Oil Colours, Medicines, Cigarettes, Mill-made clothes, Copper, Stationery, Electric materials, etc. The total amount of octroi received from such goods amounts to Rs. 6,51,680. As above discussed all these will have to be excluded from consideration. According to the statement supplied by the Government of Mysore the realisations in respect of the commodities received from Kannada villages come to Rs. 4,63,960 while those from Marathi villages come to Rs. 81,256. This again establishes the same conclusions as above.

258. Under the provisions of the Bombay Agricultural Produce Market Committee Act, 1939, an Agricultural Produce Market Committee was started in Belgaum in the year 1955 when Belgaum District was part of the Bombay State. Bye-laws of the Committee have been framed with the sanction of the Government. Bye-law No. 15 of the Agricultural Produce Market Committee, Belgaum, shows that Kannada has been adopted as the language of the institution with the sanction of the Government as the Committee has particularly to deal with the agriculturists. This shows that the language that is convenient to the transactions and easily understood by the agriculturists generally is Kannada and not Marathi.

259. The history and development of private educational institutions in Belgaum is well worth a study. The earliest institution was one started by the London Missionary Society. It started its activities in Belgaum in the year 1850, and the schools first started by them were Kannada schools. The K.L.E. Society was founded in the year 1916 at Belgaum and it first started a High School called the G.A. High School at Belgaum in the year 1933. Later it started the first college in Belgaum. That college developed in strength and now there are two colleges—one Lingaraj Arts College and another a Science College by name Raja Lakamangowd Science Institute. The Karnataka Law Education Society started in the year 1939 a Law College under its auspices called as R.L. Law College. This Society has also started a Commerce College recently. All these are run by private institutions, the membership of which is essentially the Kannada public. There is also a Training College for training Secondary Teachers. It is run by Government and it

caters to students of both languages Kannada and Marathi. In the academic year of 1961-62 there were 82 Kannada and four Marathi teachers undergoing training in that College.

260. There is one more College run by private body, namely, the South Konkan Education Society. That college is named Rani Parvati Devi College after the Rani of Savantawadi. The College was originally started by the Society at Savantawadi from where it was later shifted to Belgaum. The membership of this body is confined Marathi speaking people only. It has its Head Office in Bombay.

261. When the Karnataka University was proposed to be started, a Committee was appointed for the purpose under the Chairmanship of the late Justice N. S. Lokur (of Belgaum). Persons interested to put forth the claims of Belgaum and Mangalore, proposed to the Committee that the said towns be selected for locating the seat of the Karnataka University. There was one more proposal to locate it at Hampi (Vijayanagar). This shows that those who put forth their claims in favour of Belgaum did implicitly accept that Belgaum city was not only a part of Karnataka but that it was good enough for becoming the seat of the University for Karnataka. When the recommendations of the Committee came up before the Government it was settled that the jurisdiction of Karnataka University should extend over the four districts of Bombay Karnataka (including Belgaum). In the Karnataka University Act, a provision however has been made that no educational institution within the area of the University shall seek admission for affiliation to any other University, save with the sanction of the State Government. Taking advantage of this proviso, in 1949 the authorities of the Rani Parvati Devi College, Belgaum, wanted to get their college affiliated to the Poona University or the Bombay University, on the allegation that it caters to the Marathi students and that in order to safeguard Marathi language and culture, it should not be affiliated to the Karnataka University. Late Mr. B. G. Kher, the then Chief Minister of Bombay was also the then Education Minister. Even he turned down the proposal on the ground that no educational institution within the limits of the University jurisdiction should ordinarily be permitted to affiliate to any University

outside it. In the year 1956, when by reason of the Reorganisation of the States, Belgaum District was expected to go to Mysore another attempt was made by the authorities of the R.P.D. College, to get the college affiliated to the Poona University. It was contended that Kannada having been imposed as the medium of instruction by the Karnataka University, Dharwar, it causes a great handicap to those who wanted to be taught through Marathi and also to the preservation and development of Marathi language and culture and its tradition. It appears that the College authorities approached Dr. R. P. Paranjape, the Vice-Chancellor of the Maharashtra University and that he communicated with Sri Dinkar Rao Desai, the then Education Minister of Bombay. The latter in his turn consulted the Vice-Chancellor of the Karnataka University. The reply (printed in *extenso* at Appendix "D") given by the Vice-Chancellor Sri D. C. Pavate, explains the whole position. It exposes the hallowness of the contention of the R.P.D. College authorities. The Karnataka University has made provision for the use of the regional language (that is, Kannada or Marathi, Urdu, Hindi and English) with effect from 1955-56, which means that even prior to the Reorganisation of States, the R.P.D. College has not started teaching through Marathi medium. On the other hand, that college has informed the University that all their students desire to be examined only in English medium. The Vice-Chancellor of Karnataka University observes that this move of the College appears to be a political question rather than an academical one. On receipt of this clarification and after studying the various enclosures to the Vice-Chancellor's letter, for a second time the Government of Bombay rejected the request of the said Society for permission to affiliate that College to the Poona University (*Vide* their letter No. UKF 2156/ 60125-U, dated 5th October 1956).

262. At this stage we may mention that institutions like the above six colleges are expected to cater not only to the needs of the students of Belgaum but also to the needs of the people of the whole of the District. They in their turn, are fed by the High Schools all over the district. It may be mentioned here that in the whole of Belgaum District till very recently Belgaum was the only place where Colleges existed. If Belgaum is transferred to the State of Maharashtra it causes great dislocation

not only to the Colleges but to the student world of the whole of the District. It need hardly be stated that a considerable proportion of the students in these Colleges are Kannada speaking and they hail from places all over the District of Belgaum.

263. In addition to these educational institutions there are various other institutions whose jurisdiction extends over the whole of the District of Belgaum. Some of them may be Government Institutions ; but there are numerous other private institutions of a democratic nature built by the public in general. To mention a few of them, the District Central Co-operative Bank, the District Industrial Co-operative Bank, the Agricultural Produce Market Committee, the District Co-operative Manure Production and Supplies Society, the Karnataka Pradesh Ayurvedic Mandali, the Karnataka Nekari Sahakari Utpadana Society, Bharatiya Educational and Social Service League, the Karnataka Ayurveda Vidyalaya Peeth, the Karnataka Hosiery Sahakari Utpadak Sangh, etc., etc. Most of them are organisations extending all over the district. Some of these are as old as 30 to 40 years. They have grown and developed into an organic body and they cannot be easily cut off from their moorings. That would destroy not only the Bodies but also cut off their roots spread in the moffusils. This would disrupt the economic life of the public in various fields. The disturbance and injury likely to be caused to these organisations and also to the educational institutions above referred to cannot be compensated monetarily. In view of the fact that they cause immense disturbance to the equillibrium of the social, economic and educational structure of the District it is necessary to weigh and compare the losses against the gains. We should consider the amount of disturbance that will be caused to the one side if a transfer is made and the amount that is likely to be caused to the other side if the transfer is not made. Linguistic ratio between the Kannada and Marathi speaking population of the District is 67 per cent Kannada speaking as against 23 per cent Marathi speaking. If the City of Belgaum is transferred to Maharashtra, disturbance will be caused to 67 per cent of the Kannada population while if no transfer is made it may be inconvenience to 28 per cent of the Marathi population. Besides, this is not a positive disturbance to them because they remain in the same district where they are and under the same conditions as they

have been for the last century and more. On the other hand to the Kannada public, it will be a positive loss of the benefits of the long developed institutions. The principle of greatest good of the greatest number applied to this case, demands that the transfer of Belgaum should not be made.

264. The Government of Maharashtra, however, suggest that the assets belonging to the Districtwide institutions like the Local Board, Road Transport Division, the District Co-operative Bank, etc., may be allocated according to the well established principles. They possibly have in mind the assets such as the buildings etc., constructed or owned by them. If a transfer becomes inevitable, there may be ways of effecting it with as little monetary loss as possible to the party affected by the transfer. But what we are considering is whether a transfer in itself is justified, since it is likely to cause a dislocation, if not disruption of the Body Politic, of the Institutions. It may be one thing in the case of Government or semi-Government Institutions like the Local Board, etc., but it would be quite another with institutions built by the public and for the public. It may be that the Kannada public have built and developed certain institutions the beneficiaries of which will be the public of all taluks in the District or in some cases the public of Kannada taluks only. Though the institution is located in a place like Belgaum as already explained, its roots have gone far and deep into the whole area concerned. If the roots are cut the tree will die; and if the tree is cut off, the roots will die. When such institutions go away by transfer there will be a disruption of the very life of the institution. The institution may not survive in the State to which it is transferred. A few chips placed in the hands of those who lose the institution may not be sufficient to resuscitate it once it is lost. What we feel is such a catostrophe should be avoided as far as possible.

Hukeri and Athni Taluks

265. We next proceed to consider the claims of the Government of Maharashtra in respect of certain villages in the taluks of Hukeri and Athni. Out of 122 villages in Hukeri Taluk with an area of 382.4 square miles, 18

villages are claimed with an area of 30.6 squire miles. This involves a population of 13,000 persons in Hukeri Taluka out of a total population of 1,74,414. In the taluk of Athni, there are 89 villages with an area of 744.4 square miles. Out of them 10 villages are claimed having an area of 85.7 ssuare miles. The population involved in this taluk is 20,858 while the total population of the taluk is 1,85,609.

266. The only ground on which these claims are made is that the Marathi speaking population of these villages is more than 50 per cent. Only one village in Athni and two villages in Hukeri have recently been introduced in those talukas by reason of the merger of the Princely States. All the rest of the villages have all along been parts of these two talukas and have developed an organic unity. We do not agree that the same should be disturbed and that these handful of villages which have been linked with the taluk and its headquarters should be dislocated from that position and joined to the other taluks and districts.

Chikodi Taluk

267. The only remaining taluk of Belgaum District to be considered is Chikodi Taluk. That taluk consists of 92 villages and 10 towns including Chikodi and Nipani. The total area of the taluk is 479.4 square miles. Out of these, 38 villages and 3 towns, including Nipani constituting an area of 136.4 square miles are claimed for transfer by the Government of Maharashtra leaving behind 61 villages including 7 towns having an area of 343 square miles. The total population of the taluka is 2,69,641. Of this, a population of 1,07,856 is likely to be affected by the proposed transfer. The Kannada speaking population of the taluk is 49.3 per cent while Marathi speaking population is 42.1 per cent. The claim to the said villages is primarily on the ground of linguistic homogeneity and geographical contiguity. These points have already been discussed in general.

268. Prior to the acquisition by the British, Nipani was the headquarters of a local Chief called Desai. His official language was Marathi. On his death in 1839, the territories held by him were divided by the British and joined to the Districts of Belgaum, Dharwar and Sholapur. The

chief portion of his territory went to Belgaum. The principal among them were Athni and Honnawad. We have discussed earlier that all this area was Kannada speaking. But it must be on account of the influence of the Marathi chief that later on the proportion of the Marathi population at Nipani increased. In spite of it, Kannada language still persists in the immediate neighbourhood of Nipani. This indicates that Marathi must have been a super-imposition owing to the influence of the Marathi chief.

269. Nipani is a big trading town with a population of about 24,000. It stands on the main road between Belgaum and Kolhapur. It is 45 miles to the north of Belgaum but on the western extremity of Chikodi Taluka. Most of the villages claimed lie to the north of Nipani and only a few to the south of it. But to the east of Nipani are Kannada villages. In the immediate neighbourhood of Nipani on its east stands the village of Rampur with a population of 1,005 persons of whom nearly 68 per cent are Kannada speaking and 30 per cent are Marathi. Touching its northern boundary is the village Lakhnapur with a population of 1,103. Fifty per cent of them speak Kannada while 45 per cent only speak Marathi. On the southern boundary of Nipani stands the village of Gavan where 81.5 per cent of the people speak Kannada and 16.8 per cent speak Marathi. To the east of these village lies the admittedly Kannada portion of Chikodi Taluk. Similarly to the south of Nipani lies Hukkeri Taluka which is a Kannada area (a few villages of which are claimed by the Government of Maharashtra as above discussed in connection with that taluka). To the north and to the west of Chikodi Taluka lies the District of Kolhapur in Maharashtra. The limits of Kolhapur District are touched within a distance of 7 or 8 miles from Nipani. Immediately on the west, Nipani touches Kolhapur District. Thus the peculiar feature of Nipani is that on its west it adjoins the District of Kolhapur while immediately to its east lie the undisputed Kannada portions of Chikodi Taluka.

270. On account of its commercial importance an agitation has been carried on since long for linking Nipani by rail to Rayabag, Bagalkot, and further on to Raichur. Apparently it was because of the economic and commercial relations it has been having with these parts of Karnataka. It is significant that no claim was ever made to

connect Nipani by rail to Kolhapur or to any other place in Maharashtra. The Government of Mysore contends that Nipani has developed itself as an organic part of Chikodi Taluka and if it is separated, that separation would affect the entire economy not only of the town but also of the adjoining Kannada speaking areas and incidentally of the whole taluka.

271. As already referred to Nipani is a big trading centre. The principal commodities of trade are Tobacco, Sugarcane, Groundnuts, Chillies and Onions. Chikodi Taluka is a fertile tract and all the above commodities are grown in that taluka and are brought to Nipani market for export. It is stated by the Government of Mysore: "As regards the trade and commerce of this town, some reliable figures can be obtained from the Agricultural Produce Market Committee which was constituted by an order of the Government of Bombay, dated 27th October 1955 under the provisions of the Bombay Agricultural Produce Market Committee Act. The area consists of all the villages in Chikodi Taluka and jaggery, groundnuts and chillies have been declared as agricultural produce for the purposes of regulating the sale and purchase of commodities." They further add that the figures "show that the goods taken to the market of Nipani are mostly from Kannada villages." The Government of Maharashtra does not rely upon or mention anything about the trade relations of Nipani either in the initial Memorandum or in the reply statement submitted by the Chief Minister of Maharashtra after the above quoted averments were made by the Government of Mysore. The normal inference is that it has nothing to challenge the case made out by the Government of Mysore on this point.

272. We wish to consider the claim of Maharashtra that nearly three-fourth of the commodities that arrive at Nipani are from Marathi-speaking areas and that nearly one-fourth are from Kannada areas.

273. The proper way of approach would be to consider from what villages or areas the produce comes. Such a classification is easily available from the T.P. 2 and T.P. 3 Forms kept by the Central Excise Department.

Based on these forms the arrivals of tobacco from Marathi places like :

1. Akiwat
2. Ashta
3. Gadhinglaj
4. Dattwad
5. Hupri
6. Ichalkarnji
7. Kapshi
8. Kurundwad
9. Mirja
10. Murgud
11. Kolhapur
12. Vadgaon
13. Jaisingpur
14. Islampur
15. Nerla
16. Sangli

for the year 1954-55 come to 1,09,329 B.Mds. Those from Kannada areas come to 2,25,150 B.Mds. We have already mentioned that these figures show that the arrivals from Kannada areas are 69 per cent while those from the Marathi areas are 31 per cent for the year 1954-55. In our view these figures are not only reliable but the classification is more specific and less misleading.

274. In the course of the meetings of the Committee when the question came up for discussion the figures in respect of arrival of goods at Nipani were called for from the Government of Maharashtra. They have supplied figures in respect of the two commodities Jaggery and Tobacco. The total imports of tobacco into Nipani town during the year 1954-55 are shown as 3,96,845 Bengal maunds. Out of this, according to the Government of Maharashtra, the imports coming wholly from Marathi areas are 1,97,451 B.Mds. on the assumption that goods coming from Belgaum and Chikodi sides are 50 per cent Marathi and 50 per cent Kannada. They give the total arrivals from Marathi areas to be 2,97,103 B. Mds. On the same assumption they show that arrivals from Kannada areas are 99,652 B.Mds. Thus they work out that the former comes to 75 per cent while the latter to 25 per cent only of the total arrivals. For the same year the figures taken from the records of the Central Excise

Department show that the total imports come to 3,92,672 B.Mds. The difference in the total between the two versions is not much. However, the figures of the Central Excise Department appear to be more correct. But there is a large difference in respect of allocation of the quantities of tobacco as coming from Marathi areas and as from Kannada areas. It is found that the statement of the Government of Maharashtra is based on the receipts at the Octroi Nakas. Octroi Nakas situated on the roads coming from Kolhapur, Murgud, Jatrat and Out Agency are treated as Marathi and those on Roads coming from Belgaum and Chikodi are treated as mixed. The "Remaining Nakas" (which are not specified) are said to get goods "mostly from Marathi areas." Whereas they take the arrivals of the first category as cent per cent from Marathi areas, they choose to take 50 per cent of the arrivals of the second category as from Marathi and the remaining 50 per cent only as from Kannada areas. It will be seen, however, that out of the total quantity of about 4,00,000 B.Mds. of tobacco nearly 2,00,000 B.Mds. are from Belgaum and Chikodi Nakas only. The claim that both these Nakas get 50 per cent of the goods from Marathi areas looks to be unrelated to facts. The road coming from Chikodi passes mostly through Kannada areas. Besides, the goods that are brought by this Road are from all the eastern parts of the Taluka beyond Chikodi. All these are Kannada Villages. Hence the inflow of the produce *via* this naka has to be allocated as entirely from Kannada areas. Similarly about the claim in respect of the produce that passes through Belgaum Naka ; it must be said that tobacco that comes by this road is from Kannada areas. No tobacco is grown in the Marathi villages of Belgaum District. These areas are "hilly and uneven with high precipitation as contrasted with the Kannada speaking tract which is flat and even and has a lesser rainfall." From these admitted facts, it is clear that in the areas claimed out of this district as Marathi, hardly any tobacco can be grown. It is grown only in the areas which are flat and even and have inexcessive rainfall. All these are Kannada areas. The claim of 50 per cent or any amount of the tobacco arriving from the Belgaum Road made by the Government of Maharashtra is untenable. All these imports ought properly to be ascribed as received from Kannada areas.

275. So far as the first category is concerned it is quite likely that goods arrived at Murgud Naka come from Marathi areas on the west of Nipani. Very few of these villages are in Chikodi taluka. The goods arriving at Kolhapur Naka are not only from Marathi villages but from Kannada villages lying towards the North-east of Nipani. It can be called a Mixed Naka. At Jatrat Naka goods are received more from Kannada areas than from Marathi areas. At best it may be treated as a Mixed Naka. Under these circumstances the claim of the Government of Maharashtra that all the Tobacco in the first category should be accepted as coming purely from the Marathi areas cannot be agreed to. There is no basis to support the contention that out of the tobacco that comes to Nipani 75 per cent is from Marathi areas. The data relied upon is not helpful and the classification and allocation thus made are misleading. While dealing with the receipts at the Octroi naka in the city of Belgaum, we have expressed that collections at mixed nakas cannot be properly apportioned. Similarly we have expressed that the collections in respect of goods received by Railway should also be left out. The receipts at "Out Agency" are in respect of goods arriving by Railway. So also "Remaining Nakas" are admittedly mixed Nakas. All these will have to be left out of consideration. Hence materials in respct of the goods passing through Nakas from Marathi and Kannada areas are not satisfactory. Taken as they are, the quantity of tobacco passing through the two Kannada Nakas of Chikodi and Belgaum are nearly 50 per cent of the total. Adding the quantity of goods received at other mixed nakas it is quite natural that they may come to 69 per cent which is the figure arrived at by the more correct and substantial basis of the figures afforded by the Central Excise documents. In view of this reliable data, we do not choose to give much importance to the Naka collections in the case of Nipani.

276. The same considerations apply to the figures supplied by the Government of Maharashtra in respect of Jaggery. They have tried to allocate the intake of Gur at the various nakas above said and have classified the nakas into similar categories for the purpose of assuming that the goods come either from Marathi or from Kannada areas. We need not therefore repeat the considerations discussed above.

277. In the course of our discussions above, we have noted that the tobacco that comes to Nipani is from far off places like Ashta, Kolhapur, Jaisingpur, Sangli, Islampur, etc., in the State of Maharashtra. Similarly from the Kannada areas also tobacco is received from far off places like Bail-hongal, Belgaum, Gokak, Hukkeri, Jamkhandi and even from Bijapur. Likewise, the exports of tobacco have been to still far off places like Bombay, Calcutta, Madras, Nagpur and also to the States of Madhya Pradesh, Bihar and Uttar Pradesh. Although these may be said to be trade contacts with these places, such loose contacts will not be a matter useful for consideration of the problem on hand. Existence of such trade contacts will be of on help for considering whether Nipani should remain in Mysore or should be transferred to Maharashtra. The contacts do not establish any relation with the people of those places, useful for our purpose. We have touched on this point while dealing with Belgaum. We have mentioned in that connection, that where an agriculturist takes his own produce to a city and thus comes in contact with the city and *vice-versa* certain relations develop. He will not only sell his goods but he will stay there for the purpose and he will also make purchases from out of the sale realisation. It is such a sort of trade relation between the city and the Kannada or Marathi villagers that is relevant for considering whether the link between the city and that village should be allowed to be continued or should be snapped by transfer of the city to another State. For the purpose of such a consideration we think it material to consider the villages from where produce is brought to the Nippani Market.

278. In this connection we will take the acreage of each produce under cultivation in all 38 villages and 3 towns (including the town Nipani) which are claimed by Maharashtra and compare the same with the acreage figures of each such produce grown in the remaining villages of Chikodi taluk. Such acreage figures available are for the year 1955-56.

279. The area of tobacco grown during that year in the 41 villages claimed by the State of Maharashtra in Chikodi Taluk comes to 12,948 acres and in the other villages of Chikodi Taluka it comes to 34,426 acres. This shows that the area under Tobacco cultivation in the

(41) villages claimed by Maharashtra forms only 27 per cent of the total area under Tobacco cultivation in the whole Taluka. Similarly, in respect of sugarcane grown in Chikodi Taluka in the said 41 villages, the area under sugarcane crop was only 1,623 acres. In the remaining villages of the Taluka Sugarcane crop extended over 4,626 acres. This shows that the acreage covered by sugarcane in the 41 villages was only 28 per cent of the total acreage of sugarcane for the whole taluka. *Groundnut* is another important commercial crop that is marketted at Nipani. In the year 1955-56, the area covered by the groundnut crop in the said 41 villages was 10,653 acres while that in the remaining part of the taluka was 28,825 acres. This works at 27 per cent of the total area under cultivation in groundnut crop. We next proceed to one more important commodity, namely, chillies. In the 41 villages claimed by the State of Maharashtra, Chillies were cultivated in an area of 1,057 acres as against an area 5,077 acres brought under cultivation in the remaining villages of Chikodi taluka. This works at 18 per cent for the said 41 villages as against 82 per cent of the area cultivated in the whole Taluka. The same is the position about Betel-leaves also. It may be argued that all the produce grown in Chikodi taluka may not necessarily be coming to Nipani market. Since Nipani is a principal marketing centre and since it not only offers quick sales but better prices it is inviting produce from very far off places even beyond Belgaum District. It is not unlikely that most of the produce grown in Chikodi taluka comes to Nipani. In any event, the above percentages may be taken to be an indication of the approximate quantity of each of the produces that usually comes to Nipani. In other words, it means that than 70 per cent of the produce grown in the taluka is from the Kannada area of Chikodi taluka and finds its way to Nipani market. If we add to this the produce coming to Nipani from other Kannada areas in the District of Belgaum the percentage easily goes upto 80 as claimed by the Government of Mysore.

280. From the foregoing discussions it will be clear that Nipani has greater trade relations with Kannada areas than with Marathi areas. The people bringing goods to Nipani Market are mostly Kannada agriculturists and

only a few Marathi agriculturists. As previously discussed about the City of Belgaum, an organic growth has developed in the field of trade between Nipani and its constituent villages, which are mostly Kannada. This will be disturbed if Nipani is transferred to the other State. Trade relations will be snapped and that may cause not only a disturbance in the economic life of the villagers but it will adversely affect the trade of Nipani itself. It may not be impossible for Mysore to establish another market place either at Chikodi, Sankeshwar or other place by establishing another Agricultural Produce Market in place of the one at Nipani to meet the needs of the agriculturists in the Kannada villages. But then, Nipani will lose the produce of more than 70 per cent of the villages in Chikodi Taluka apart from the produce that it gets from other taluks of Belgaum District and other Kannada areas. It may be mentioned that by going to Maharashtra Nipani might get new fields in the State of Maharashtra for its trade operations. But such a chance is very remote. Within a short distance of Nipani there already exist big trade centres and markets such as Kolhapur, Jaisingpur, Sangli, etc., all of which deal in the very commodities which are dealt with at Nipani. In fact an attempt was very recently made after the Reorganisation of States to start a new market for Arjun Nagar, a village within a mile or so from Nipani, with a view to divert the trade from Nipani. Despite the best of efforts and despite the support of Marathi people in Maharashtra State—as well of some Nipani traders—it did not prove to be a success. If Nipani market is to flourish, it will be at the cost of these other well established markets in Maharashtra. Or else, Nipani cannot be expected to maintain its market. Hence it is not in the interest of Nipani itself that there should be any such dislocation in its trade.

281. We have already referred to the fact that cities attract people from very long distances for various purposes including trade and commerce. This is true of Nipani also. Apart from floating population which it draws for trade dealings it has attracted many outsiders who have temporary places of residence or shops at Nipani. Since they carry on trade continuously with Nipani they often come and stay for days on at a time. It would not be correct to reckon them among the permanent residents. A similar problem was required to be tackled by

Mr. Justice Misra when he had to consider the linguistic complexion of the City of Bellary. He then got the language slips of the Census Records re-sorted out with reference to the birth place of each individual, with a view to find out how many were temporary residents. A similar re-sorting has been got done by the Government of Mysore in respect of Nipani. According to the Census figures of 1951 the Marathi population of Nipani City is 66.6 per cent and those who speak languages other than Kannada and Marathi are 17.9 per cent. It may be recalled that the enumerations operation in 1951 in this City as well as that at Belgaum have been legitimately challenged. Apart from this, on re-sorting of the Census slips it is found that, out of the total population of Nipani, Marathi-speaking persons born in Nipani or anywhere else in the whole of the District of Belgaum hardly come to 50 per cent. It is such persons alone, that can be said to be permanent residents. The increase of the percentage of the Marathi speaking population by reason of the influx of the temporary residents at Nipani has got to be taken note of.

282. Before turning to the question of Education at Nipani, we may mention that in order to facilitate private transactions of Marathi speaking people, an Office of the Sub-Registrar has been located at Nipani where registration is allowed to be done of documents written either in Kannada or Marathi. This may be contrasted with the position that was prevalent in the Kannada areas held by the Chiefs of the Princely States where writing in Marathi was enforced and documents written in Kannada were not permitted to be registered. We need not mention that the Marathi speaking population of this area have no difficulty of this sort.

283. Turning to the question of Education, there are several Marathi schools in Nipani and other villages where Primary Education is given in Marathi. Although provision has been made for the teaching of Kannada as it is the regional language, the same is optional. There is no compulsion in that behalf. So far as Secondary Education is concerned there are three High Schools in Nipani of which two are run by Kannada people and one by Marathi people. Provisions are made for teaching in Marathi and also in Kannada as needed. In the whole of the district of Belgaum till 1948, when RPD

College was shifted to Belgaum there was no college other than the one Lingaraj Arts College which was started in Belgaum by the K.L.E. Society. This society recently established an Arts and Science College at Nipani. Almost simultaneously with them, the Marathi speaking people of Nipani, assisted by those of Maharashtra State, started an Arts College for Nipani—not in the limits of Nipani in Mysore State, but just outside it and within the limits of Maharashtra although it is located within a mile's distance from Nipani. It is obvious from its location that this college is meant to cater primarily to the needs of Nipani itself. We have already referred to the fact that round about the college within the Maharashtra State there is no high school which can be expected to feed this college. It is only the high schools at Nipani or near about places in Mysore State such as Sankeshwar, Chikodi, etc., which may be expected to feed it. We have already referred to the instance of the Rani Parvati Devi College which was first started in Ratnagiri District and was thereafter transferred to Belgaum and soon after started an agitation to be affiliated to the Poona University and not to the Karnataka University. The College at Arjun Nagar is a second instance though of a different type. It has been located apparently within the Maharashtra State but is designed to draw students from Mysore State. It has been alleged that the idea behind the starting of this college is to stifle the efforts of the K.L.E. Society of Belgaum in starting their college at Nipani and also to pave the way for getting Nipani and round about villages transferred to the State of Maharashtra. We are not concerned with the former. It may be that the college was expected to help the students in the villages round about Arjun Nagar. But there is little need for such a college at Arjun Nagar. In that area in Maharashtra there is not even a high school which can be said to feed this college and also because within a very short distance from Arjun Nagar, there are many colleges at Kolhapur, where plans are afoot even to start an University. Hence it appears clear to us that the main idea in starting this college is to draw students from Nipani and the border villages round about it in Mysore state.

284. The starting of this college was expedited and substantially helped by the Government of Maharashtra, by donating a sum of Rs. 5,00,000. When the Chief Minister of Maharashtra performed the opening ceremony

of this college, he expressed in so many words that the college was intended to serve the people in the border areas of Mysore. Giving substantial donation or starting an educational institution is no doubt a laudable act. But one State Government starting a college whose object is to wean away the students from another State or to show to the people of another State that they are more interested in the welfare of the people on the other side of the Border is not a step that can be appreciated. On the other hand it is calculated to cause disharmony between the States and peoples.

285. Apart from these it may be noted that " for the purpose of official business " the language of the taluka of Chikodi has been decided to be Kannada according to the Resolution No. 2026/46, dated 17th May 1950 of the Government of Bombay. The fact that such a decision was taken by the Government of Bombay (in which Maharashtrians had a predominant voice at that time) after taking into consideration all the effects of the merger of Princely States clearly vindicates the stand that this area was accepted to be Kannada by the Government of Bombay. It may further be noted that in the whole of the District of Belgaum the only taluk that was declared as bilingual (Kannada and Marathi) for purposes of official business was Shahpur. All other taluks were declared to be Kannada which means that even the taluka of Belgaum (as it was constituted in 1950) was accepted to be Kannada for purposes of official business. This goes a long way to counter the case of the Government of Maharashtra.

CHAPTER XXIII.

Kolhapur District

286. The District of Kolhapur was prior to 1948, a Princely State under the Maharaja, a descendent of Shivaji. He was a Maratha by caste with Marathi as his mother tongue. Consequently the official language was also Marathi.

287. Its history shows that in about 500 A.D. it was ruled by the Kadambas whose capital was at Halsi in Khanapur Taluka of Belgaum District. These were Kannada Kings. Similarly, after the Kadambas it was ruled by the Western Chalukyas and Rashtrakutas and later by the Silaharas. All these were Kannada Kings The Silaharas of Kolhapur were Jains by religion. Their mother tongue was Kannada. Later, Kolhapur passed on to the Mussalmans of Bijapur. In or after the 17th century it came into the hands of the Marathas.

288. Duroing the rule of the Maharaja, Kolhapur had ten sub-divisions. Most of them were Kannada speaking regions while some of them were actually located in the midst of the Kannada areas then under the British. Rayabag Mahal with 30 villages was a sub-division of Kolhapur State. It was located in the midst of the Kannada areas of Belgaum District. After the merger, a separate taluka called Rayabag Taluk has been formed with some other villages of Belgaum District. Six more villages of the original Rayabag Sub-Division have been included in Belgaum Taluk and one in Hukkeri Taluka. Similarly, Katkol Mahal of Kolhapur State had 37 villages which have now been included in Ramadurg Taluk of Belgaum District. All these were and are Kannada-speaking areas. There were some more villages located in the limits of Chikodi Taluk. After merger they have been included in that taluk. But some of them are disputed and are claimed for transfer as being Marathi. Within the limits of Kolhapur State—now Kolhapur District are the taluks of Gadhinglaj and Shirol. It is only certain portions of these talukas that are proposed for transfer.

289. Vol. XXIV of the Gazetteer of the Bombay Presidency relates to the State of Kolhapur and some other

Deccan States. That Gazetteer shows that Kolhapur is included as a part of Karnataka Division in which the Districts of Dharwar, Belgaum and Bijapur are included.

290. At this stage it may be mentioned that in the District of Kolhapur many Kannada inscriptions are traced. We have already referred in Chapter XI (Linguistic Complexion unstable and changing) to the fact that 15 Kannada inscriptions are found in Kolhapur, particularly some in Mahalaxmi Temple. We think it proper to mention here what Dr. A. S. Altekar, a great Maharashtrian Scholar has stated in his book (Reprint from Indian Culture—Vol. II—page 3)**

> "Karnataka seems to have been the name of the province of the Silharas. Goa and Ter which seem to have been their original places are situated in Karnataka. In one period South Konkan and territories ruled over by Silaharas were under the influence of Kanarese."

Gadhinglaj Taluk

291. This taluk lies to the south of Kolhapur District and to the west of Hukkeri Taluk in Belgaum District. The total number of villages in this taluk are 94 including the town of Gadhinglaj, the area being 191.64 square miles. By applying the three criteria known as Pataskar Formula, the Government of Maharashtra concedes that 24 villages having an area of 59.4 square miles have Kannada majority and that they may be transferred to Mysore State. Out of the total population of 1,11,408, the persons affected by this transfer will be 37,029. The said villages lie to the east and north of this taluka and are contiguous to Kannada areas of the Talukas of Hukkeri of Belgaum District.

Shirol Taluka

292. This taluka of Kolhapur District lies to the north of Chikodi Taluk, its area being 203.85 square miles. In this taluka there are 44 villages and 4 towns, *viz.*, Shirol, Kurundwad, Jaisingpur and Nandani. We have already

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** Quotation from the Book "The Silaharas of Western India" by Dr. B. A. Saletore.

referred to Jaisingpur as a trade centre. Kurundwad was the headquarters of a Marathi prince. But after merger that town has been included in Shirol Taluk along with some of the vilages of that State. Kurundwad State had certain villages in Belgaum Taluk and some in Akkalkot Taluk also which will be dealt with at a later stage. Applying the same principle as above, the Government of Maharashtra concedes that 19 villages in Shirol Taluka with an area of 84.8 square miles have Kannada majority and that they may be transferred to Mysore. A population of 46,807 would be affected by this transfer, out of the total of 120,926.

293. We have already discussed the general principles and have expressed our opinion about the same. Hence, there is nothing further to add in this connection except possibly about the geographical consideration. All along the northern boundary of Shirol Taluk, the river Krishna flows. At the north-eastern point, she takes a southward turn and thus separates six villages of this taluk. All these six villages, *viz.*, Alas, Aurwad, Gourwad, Kavatheguland, Shedshal and Ganeshwadi are conceded by the Government of Maharashtra for transfer to Mysore. They are no doubt contiguous to Mysore. The river Krishna is unfordable during the greater part of the monsoon and these villages become cut off from the rest of the taluka and particularly from the taluka town. There is no bridge to connect these six villages with the rest of the taluka. If these villages are put in Mysore State it may be more convenient for the people of these villages. In fact such a view was expressed to us by some of the villagers. But we are not basing our views on that expression. If these geographical considerations should weigh as they ought to, it is a point in favour of the proposal for transfer. There is no objection to consider these six villages alone for a minor adjustment.

CHAPTER XXIV

Jath : South Satara District

294. Jath is a taluk in the District of Sangli or South Satara. It was formerly a princely State ruled by a Marathi Prince whose mother tongue is Marathi. To the south and east of this taluk lie the Kannada areas of Athni, Bijapur and Indi Taluks of Bijapur District. The total number of villages in Jath Taluk is 98 including the town of Jath. According to the 1951 Census, the total population of the taluk is 108,280 out of whom 56,446 are Marathi speaking and 43,515 are Kannada-speaking. The percentage works out at 52.1 and 40.2 respectively. Applying the same criteria already discussed, the Government of Maharashtra concedes that 44 villages have Kannada majority and that they may be transferred to Mysore, retaining 54 villages including the town of Jath to Maharashtra. The population to be affected by such a transfer is 51,863.

295. After India attained independence and after this State merged with Indian Union, along with other Princely States in 1948, this State was made into a taluk. Jath, the headquarters of the State, is within a distance of 40 miles from Bijapur and is quite contiguous to that district. It was expected that this State would be included in the District of Bijapur as that would have been very convenient for administrative purposes. In fact, in the organisational set up of the National Congress Jath has been within the jurisdiction of the Karnatak Provincial Congress Committee. Three talukas from Satara District were cut off and a new district called South Satara was formed, by joining some areas from the other Princely States of Sangli and Miraj. To this newly formed district the taluk of Jath was also added on, although Sangli the headquarters of the District is more than 55 miles away from Jath. This proposal was opposed by the leading Members of Karnataka and questions were raised in the Bombay Legislative Assembly as to why a Marathi *cum* Kannada District to be called South Satara District was proposed to be formed by joining the Kannada areas in the States of Jath, Sangli and Miraj with the Marathi taluks taken from Satara and whether the Kannada Ekikaran Maha Samithi and Karnataka Provincial Congress

Committee had repeatedly brought to the notice of the Government their opposition to the formation of such a district. In reply thereto Sri B. G. Kher, the Chief Minister of Bombay stated :—

> "A new district consisting of Sangli and surrounding areas has been created solely on administrative grounds ..... The Government was also aware of the public opinion and the views of the Karnataka Provincial Congress Committee .... Pending the decision of the Government of India on the question of readjustment of provinces on linguistic basis, the Government of Bombay has no intention of dividing the existing talukas or the districts on the considerations of language." (Bombay Legislative Assembly Debates—Vol. XV—Pt. II—Sept.-Octr.—1949—page 2037).

296. It may be noted that the Kannadigas then claimed that the State of Jath and parts of Sangli and Miraj were predominantly Kannada areas and also that Jath taluka should be joined with the district of Bijapur both on linguistic as well as on administrative grounds. But Jath was artificially linked with Marathi areas and included in the newly formed district called South Satara.

CHAPTER XXV

Sholapur District

297. The district of Sholapur lies to the north of the District of Bijapur. Formerly Sholapur was called Sonnalige or Sonnalapur, the names which we often find in Kannada literary works. In the early period this area was ruled by the Western Chalukyas, Rashtrakutas and Devagiri Yadavas along with the areas in the district of Bijapur. Then it passed on to the Bahamani Kings of Bijapur. In the middle of the 14th century, Sholapur formed part of the province of Kalburga, including Bijapur, Raichur, Mudgal, Sagar, Naldrug all of which were Kannada areas. Later it passed on to the hands of the Marathas and to the Nizam of Hyderabad. In 1818, Sholapur was the scene of a severe fight between the English and the Peshwas. "After reducing the greater part of this *Bomay Karnataka,* General Munroe marched towards Bheema ..... The approach of Munroe troops compelled the Peshwa troops to fall back on Sholapur to make their final stand." Ultimately the Fort was taken by the English. "The reduction of this important Fort deprived Bajirao's troops of their last rallying point in the *Bombay-Karnatak* ....." (Sholapur Gazetteer, P. 299).

298. The above quoted passages from the District Gazetteer of Sholapur (1884) show that during the 19th century, Sholapur was unmistakably accepted to be a part of Karnatak. In the Fort of Sholapur there are some Kannada inscriptions. There is another Kannada inscription of an unusual nature in the city. Right in the humming business area, just where two roads cross each other, there is a small temple dedicated to Hanuman or Maruthi. We were told that formerly it was known as "Modala Maruthi" temple. In Kannada the word "Modalu" means the first or original, "Modala Devaru" means "Moola Vigraha", i.e., the original idol. This can be seen from the Kannada proverb "ಮೊದಲ ದೇವರು ಮೂಲೇಲಿದ್ದರೂ ಹನುಮಂತರಾಯನಿಗೆ ದೀಪೋತ್ಸವ" (Modala Devaru Muleliddaroo, Hanumantharayanige Deepotsava). This temple is now called Madhala Maruthi. This may be a transformation of the word from Modalu to Madhala owing to the later impact of Marathi. What is important is not the name

of the temple but the fact that on the back of the Maruthi idol which is in a standing posture as usual, there is a Kannada inscription. Curiously enough the characters are in an inverted position. These are some of the unchallengeable instances which show that from ancient times Sholapur has been a Kannada land.

299. In one of our earlier chapters (Chapter XI, 'Instability and changing nature of linguistic complexion'). We have already referred to the fact that in the middle of the 12th century there was a great Kannada Literary Renaissance during the period of Basava. There was also a social and cultural revival not to speak of the great reformation of the Veerashaiva or Lingayat Religion, carried on by Basava. Kalyan, the seat of his activity and the centre of this movement, is hardly 60 to 65 miles from Sholapur. Siddharameshwara, one of the saints and a great literary figure of the period of Basava hails from Sholapur. After several years of stay in Kalyan he returned to Sholapur and constructed a big Lake which is still known by the name of Siddeshwara or Siddharameshwara Lake. In the centre of the Lake stands the ancient temple built over his holy Shrine. An annual fair is held at this temple which is very largely attended by Kannada public from far and near. Siddharameshwara has written several books in Kannada extending over 68,000 vachanas. He belonged to the Veerashaiva Lingayat Community and to this day the worship at the temple is conducted by Lingayats. This temple is managed by a Body of Lingayats who also run a High School and a Hostel.

300. The religious reformation started by Basava, coupled as it was with social reformation as well as literary renaissance, spread out all round. Kalyan was then ruled over by Bijjala a Jain King of Kalachurya (Chalukya) Dynasty. Kalyan was under the Chalukyan Domain. Basava was King Bijjala's Minister. Kalyan was the hub of all activities. It invited people from far off places. The influence of Basava's activities spread far and wide. There were innumerable conversions to Lingayat religion of persons belonging to various communities. Followers of this religion are very populous even in the southern part of Mysore. The object of mentioning all this is to show that when the religion and its activities carried on in Kannada extended to far off places like Mysore which

is more than 500 miles away from Kalyan, the nearby places like Akkalkot and Sholapur must have come within the influence of that movement. In fact it was so and all these areas were not only full of Lingayats but were Kannada speaking.

301. It is significant to note that according to 1881 Census the total population of Sholapur City was 37,940. Out of them, Lingayats whom the Maharashtrians call as Lingayat Vanies, number 21,308 which works at 55 per cent of the total population. The Lingayats in Sholapur have all along been speaking Kannada. This shows that during the year under consideration Sholapur had unquestionably been a city with Kannada-speaking majority. It need not be mentioned that many communities other than Lingayats also speak Kannada. Since then, owing to the influx of people from various parts of the country attracted by the trade and industry of the place, the population of the City has shown a great increase. Particular mention may be made of Telugu speaking people who have come as labourers in the Cotton Mills at Sholapur. Apart from this big section of people, the number of other type of residents of Sholapur has also increased. This might have altered the percentage of the Lingayats in the increased strength of the population of Sholapur City. Even then it should be remembered that the Lingayat population also has increased proportionately. Hence to this day they form a very substantial section of the public of Sholapur.

302. Unfortunately the figures of 1951 Census do not disclose the population of the various communities; nor does it show the linguistic proportion. It was in 1955 that the language figures of some bilingual taluks were specially sorted out and published by the Government of India in view of impending Reorganisation of States. At this stage it may be noted that as in the case of Belgaum and Nipani the enumeration was challenged at the time of 1951 Census inasmuch as the same way as in Belgaum and Nipani. As discussed earlier it appears the challenge was legitimate. At this stage it may be useful to mention what a present day writer (and a Maharashtrian to boot)

Rao Bahadur Jakkal writes in his " History of Sholapur City ":—

> " Till very recently 85 per cent of the Sholapur population was speaking Kannada language and till recent years even the Sholapur merchants used to keep their accounts in Kannada."

303. The Kannada people have no opportunity in Sholapur to learn Kannada. They had perforce to learn Marathi and to use that language for purposes of trade and business, accounts, correspondence, etc. This is another misfortune that befell the Kannada-speaking population of Sholapur. The portions marked out by the Government of Maharashtra as Kannada areas of Sholapur District come from three talukas, *viz.*, Mangalwadhe, South Sholapur and Akkalkot. Out of these, the portions of Akkalkot Taluk and Mangalwadhe were prior to independence held by Princely Rulers whose mother tongue was Marathi. Hence in the whole district, the taluka of Sholapur alone had Kannada majority. With the result that, during the British regime, Kannada was absolutely ignored to such an extent that no part of Sholapur District was treated as bilingual area and no opportunities were provided for Kannada education. People began even to forget that they had anything to do with Kannada except possibly to talk in the tongue inside their homes. Kannada was confined to women and to their own houses inside the threshold. As soon as men stepped out of the house they had perforce to talk in Marathi. These circumstances not only stunted the normal currency and growth of Kannada in Sholapur but it almost stifled that language. What is surprising however is that inspite of these adverse conditions Kannada should still persist.

304. The present two talukas called North Sholapur and South Sholapur, formerly formed only one taluka of Sholapur. That was divided into two talukas in about the year 1938. It is suggested that the southern part which is unquestionably a Kannada majority area has been carved out into a separate taluk while the city along with the northern part, in which there are Marathi majority villages, has been carved out into North Sholapur Taluk. The headquarters of both the taluks are located in the city of Sholapur itself. It is suggested that the taluk was thus divided into two with the idea that when provinces may come to be formed on linguistic basis, the

Kannada villages which are bound to go to Karnataka may be marked into a separate taluka and that by thus dividing the taluk, the city of Sholapur at least should be saved by separating it from the clearly Kannada areas and putting it in North Sholapur Taluk. We are not concerned with these allegations. It is however clear that close on edge of Sholapur city are Kannada majority areas both to the south and to the east of it. What is more important for our purpose is that during both the periods when Sholapur was one taluk and even after that was divided into two talukas it was necessary that they should have been declared as bilingual and requisite facilities should have been allowed to them. We have already referred to the fact that the Government of Bombay had issued a circular laying down that where in any particular taluk people speaking a particular language are 20 per cent or more of the total population of the taluka, that taluka should be declared as bilingual for the purposes of official language. But in the district of Sholapur, unfortunately even to this day, no taluka has been declared bilingual, neither the South Sholapur Taluka nor the talukas of Akkalkot and Mangalwadhe. This is all the more surprising when we remember that the same Bombay Government had declared the talukas of Karwar, Haliyal and Supa as bilingual by introducing Marathi, simply because (not Marathi but) Konkani was spoken in these talukas. When this matter was referred to them, the Government of Maharashtra replied by their No. SR/ BRA-1061-C-12281, dated 27th December 1961 as below :

> "At the District/Taluka level, of the total population of a linguistic minority constitutes 30 per cent or more, such District/Taluka is to be regarded as bilingual for the purpose of administration. According to the 1951 Census figures, the talukas of Akkalkot, South Sholapur and Jath are eligible for being declared as bilingual. The question of issuing instruction in this regard is, however, under the consideration of Government and necessary orders will be issued as soon as the 1961 Census figures become available."

It may be noted here that the minimum for recognising an area as bilingual has been raised from 20 per cent to 30 per cent and it is not explained why,. Even under such adverse circumstances, Kannada language has held up its head in some areas of Sholapur District such that the Government of Maharashtra themselves

have to admit that some of those areas have Kannada majority and that they deserve to go to Karnataka.

Mangalwadhe

305. This taluk has been formed and included in the district of Sholapur recently, *i.e.*, after the Reorganisation of States. At present there are 71 villages in the taluk including the town of Mangalwadhe with an area of 441.5 square miles. Out of them, according to the Government of Maharashtra, nine villages have majority of Kannada speaking people and deserve to be transferred to Mysore. The area of these villages is 67.8 square miles. The total population of the taluk is 69,916 out of which the population that would be affected by the transfer will be 8,479.

306. Prior to Reorganisation Mangalwadhe was a subdivision of Sangli State. It consisted of 32 villages with an area of 277 square miles. Speaking generally about the eight jagirs under the superintendence of Kolhapur Agency comprising of Sangli, Miraj, Kurundwad, etc., the *Bombay Gazetteer*—Karnataka,—Mentions at Page 324:—"The prevailing language is Marathi. But in many parts Kanarese is spoken." Managlwadhe is one such sub-division of Sangli. As its Ruler was Marathi-speaking, Kannada areas of this part met the same fate as other similar areas under Marathi Rulers.

307. Mangalwadhe was originally called Mangaliveda. It originally belonged to the Chalukyas whose dynasty at Kalyan held Mangalwada. This can be seen from the Kannada inscription of the year 1092 A.D. leaning against the compound wall in the old palace at Akkalkot. It mentions that Mangaliveda was also the capital of Kalchurya family before the reign of Bijjala at Kalyan and shows that Jogamarasa was the ruler of the province with Mangaliveda as his capital before the overthrow of Chalukyas and before the family got shifted to Kalyan capital. Some of the ancestors of King Bijjala of Kalyan ruled from there. "There are innumerable monumental stone remains of the time of Chalukya Kings of Kalyan found scattered about the place. It is concluded that it must have been a town of great note during the 9th, 10th and 11th centuries. It is certain from the inscriptions that the town of Mangalwadhe was subject to the domi-

nation of Kalyan Kings and that a great officer of theirs lived at this place." (Page 361 of Bombay Gazetteer—Karnatak—Kolhapur). It appears that in the 15th century this place went into the hands of Bahamani Kings. Later, it passed on to the Marathas and it lastly went to the hands of the Chief of Sangli as Saranjam in about the year 1801.

308. The nine villages that are marked out by the Government of Maharashtra are along the eastern boundary of the taluk. They touch South Sholapur Taluk of Sholapur District, Indi Taluk of Bijapur and Jath Taluk of South Satara District. It is because of all these adjoining areas are undeniably Kannada, that the said nine villages are admitted to be contiguous with Kannada areas. It may, however, be noted that out of these nine small villages Karjal with a population of 107 is Marathi-speaking. But it is proposed for transfer because it forms an island. Out of the said nine villages, village Donaj which has a population of 1966 has Kannada majority and it almost touches the boundary of Mangalwadhe town itself thus showing the extent of the stretch of the Kannada area even at this day.

South Sholapur

309. As already referred to, this taluk has recently been carved out of the original taluk of Sholapur such that the city of Sholapur could remain in the northern taluk. The limits of South Sholapur touch the city of Sholapur both on the east as well as on the south. It is rather remarkable that on the verge of Sholapur City there should be admittedly Kannada areas, which fact confirms our view, as above discussed, that Sholapur has since long been a Kannada-speaking place.

310. This taluk consists of 80 villages and no town. It may be recalled that the headquarters of this taluk is located in Sholapur City itself. The area of this taluk is 461.5 square miles and the population is 93,484. According to the 1951 Census the Marathi-speaking population of the taluk is 32.2 per cent while Kannada-speaking population is 48.1 per cent. On the basis of the criteria proposed by the Government of Maharashtra, they concede that 65 villages in this taluk with a population of

74,679 and an area of 351.2 square miles have Kannada majority and that they deserve to be transferred to Mysore State. They however retain 15 villages in this taluka as Marathi speaking.

311. Out of the 15 villages, only 12 have got more than 50 per cent population speaking Marathi. In one of them, Sawantakhed, only 29.6 per cent speak Marathi.

312. Along with the fact that this taluk touches the city of Sholapur there is one more point that needs to be considered. Sholapur City has no Marathi-speaking majority. Their percentage is hardly 38.8 while that of the people speaking other languages is 48.8. The major portion of such people are Telugu speaking who have come to Sholapur for service in the mills. If the principle of kinship of language is applied, relied upon by Maharashtra elsewhere, here Telugu will have greater affinity with Kannada than with Marathi as both the former languages come from the same family of languages, *viz.*, Dravidian. If people speaking these two languages are added together they will form a clear majority in Sholapur City. In this state of affairs it appears possible that Sholapur City may as well be linked to South Sholapur as to the North Sholapur Taluk.

Akkalkot Taluk

313. Akkalkot lies to the southwest of Sholapur Taluk. It was formerly a Princely State, ruled over by Maratha Chiefs. To the south of this taluk lie the areas of Indi Taluka of Bijapur District while to the South and also to the east lie the Kannada areas of Afzalpur and Aland Talukas of the District of Gulbarga in Mysore State. To the west is the South Sholapur Taluka, which is also an admittedly Kannada area. To the north lies the Tuljapur Taluka of Osmanabad District. Thus the speciality of this taluk is that it is bounded on all its three sides by Kannada areas except in the north.

314. The present taluk of Akkalkot consists of 121 villages and 3 towns, Akkalkot, Maindargi and Dudhni, with an area of 536.8 square miles and a population of 1,49,438. According to the Language Handbook of 1951 Census, 12 villages only in this taluk have a Marathi-speaking majority. Among the rest, almost all have

Kannada majority except a few where neither Marathi nor Kannada is more than 50 per cent. Applying the three tests proposed, the Government of Maharashtra concedes that 99 villages with an area of 436.9 square miles and a population of 1,06,403 deserve to be transferred to Mysore State. They, however, claim that the remaining 25 villages including Akkalkot should be retained in Maharashtra. The area of these villages comes to 100 square miles and the population to 43,035.

315. The early history of Akkalkot is much the same as that of Sholapur District already mentioned above. "The separate history of Sholapur does not begin until the early part of the 18th century." The first chief was Fattehsing. On the annexation of Satara in the year 1849 the Chief of Akkalkot became a feudatory of the British Government. He was an independent Ruler with all administrative powers.

316. The major part of Akkalkot State was a compact area save for six or seven villages which were detached and located within the taluk of Malasiras of Sholapur District. At the time of merger in 1948-49 the 101 villages of the Akkalkot State formed the nucleus of the present Akkalkot Taluk. Their total area was 444 square miles. The present Akkalkot Taluk consists of these 101 villages including Akkalkot, 15 villages from the State of Kurundwad and five villages which were originally in South Sholapur Taluk.

317. It will be clear from our discussions of the general principles in Part I of our report that we do not agree with the three criteria known as Pataskar Formula but that at the same time we are in agreement with the principles enunciated after a careful study by the States Reorganisation Commission. These same principles were almost wholly adopted by the Parliament except in such cases where the parties concerned agreed upon a particular transfer. So far as the taluk of Akkalkot is concerned we are of the opinion that if we follow the same principles as were placed before themselves by the States Reorganisation Commission, the result will be that this taluk has to go to Mysore. No doubt the States Reorganisation Commission laid down that ordinarily the district should be taken as a unit and not even a taluk except under special circumstances. In so doing, they were laying

emphasis on the fact that although the district is an artificial and administrative unit, it will have developed, by reason of long associations, into an organic and administrative unit and an economic life of their own. It was therefore found improper to break up the links so developed and to disturb the body.

318. We have already observed that, as a first step the States Reorganisation Commission must have distributed the districts among the various linguistic States to be formed, considering the simple majority of the people speaking one language in the district as a unit. As a second step, wherever a smaller unit but not less than a taluk, was found to be unilingual, or in other words, was found to contain more than 70 per cent of the population speaking one particular language (different from that of the State to which the district was allocated) that particular unit was allowed to be detached and joined to the State having that particular language, provided of course, it was contiguous to that State. The districts which they considered as units were those formed during the British Administration. The obvious reason was that the districts were in existence for over 100 years, if not more, thus giving ample time and scope for the development of an organic unity.

319. The factors which have led to the development of organic unity are : (1) the areas have been under one administrative control and (2) a long time has elapsed, affording opportunities for growth and development of links in all spheres of human activity such as education, trade, medical relief, etc. Princely States like Jath and Akkalkot which were under the autonomous administrations of Indian Rulers possessed both these factors.

320. After India attained Independence in 1947 there was a phenomenal change, in that the Princely States come to be extinguished and merged in the Indian Union. Subject to the overlordship of the British, they had almost sovereign powers and had independent administration in all spheres of life. As such they had grown into separate organic and independent units much the same as districts. They had lesser connection with the neighbouring districts in all walks of life than what any district had with its neighbouring districts. Such separate growth as independent units has gone on during a period of

100 years much the same as in the case of the districts. Hence for all practical purposes such States ought to be considered as districts. Although they may be much smaller in size, the characteristics are the same as obtain in the case of districts. Such small units have received recognition of the status of a district for this purpose, for example, Coorg. It is almost as much as a taluka from the point of view of population, though slightly bigger in area. But the States Reorganisation Commission gave to it the status of a district on the ground that " Coorg has retained its separate administration " and was a part C State. Although the Kannada-speaking population of Coorg was only 35 per cent, it was allocated to Karnataka. The grounds which influenced the States Reorganisation Commission in taking this decision were :

(1) " The question of separate existence."

(2) " The affiliations of this State are predominantly with Karnataka."

(3) " Culturally, Coorg had more links with the east, which is mainly Karnataka country than with west and south."

If Coorg was looked upon as of the status of a taluka, the States Reorganisation Commission would have insisted on 70 per cent of its population speaking Kannada before allocating it to Karnataka. It will be seen that almost all the above considerations are present in the case of the States of Jath and Akkalkot now made into talukas. The only difference, if at all, was that at the time of the States Reorganisation Commission Report Coorg was still a separate unit, whereas this status was changed in respect of the merged Princely States, a few years before the States Reorganisation Commission. The result was that the fact that these States were equally separate units for a long time did not come to their notice. Simply because the areas of these two States are smaller and are of the size of a taluka or less, they cannot be classed with talukas for consideration of the matter in question. A taluka as a part of the District will be dependent on the latter and in any matter it will have to be under the control of the District and does not enjoy the autonomy of any sort unlike the Princely States. The Princely States were as autonomous and independent as

Districts, if not more. The talukas bear no comparison to them.

321. When the merger took place in 1948, the areas of the princely States had to be fixed somewhere within the administrative framework left by the British. Wherever villages or groups of villages were found to be within the boundaries of a taluk, they were absorbed in that taluk. Wherever the areas were big enough and compact, they were carved out into separate talukas by adding or by cutting off some portions according to the exigencies then prevailing for administrative purposes and such talukas were included in the district within the limits of which they were located. When such States, and consequently the talukas to be formed of such States, were found to be, not within the boundary of any district but were adjacent to and in between two districts, a question arose as to how they should be linked—whether with the district on one side of it or with a district on the other side of it. This question would assume some importance when the language of one of the two districts was different from that of the Princely State. Since a decision had to be taken immediately, the Government of Bombay summarily linked the merged area on to one or the other district purely on administrative grounds without bestowing any thought as to whether from the point of view of the language, the linking with that particular unit would be proper or not. In this last category of areas of the merged States come the two talukas of Jath and Akkalkot. Both these Princely States were made into talukas and both of them were outside the boundaries of any of the then existing districts. The latter was linked to the district of Sholapur while the former was linked to South Satara, a district which was newly formed just at that time. As it happened these two States were not only outside the limits of the two Districts but they were also on the borders of the areas speaking two languages. To the south and east of Jath are the Kannada talukas of Athni of Belgaum district and Bijapur and Indi talukas of Bijapur district. A portion of its north and of its west adjoins Marathi areas. Similarly, the taluka of Akkalkot has Kannada areas on three sides and Marathi areas on only one side. Still both these talukas were summarily put in the said two Marathi Districts.

322. The action taken by the then Government of Bombay in putting these talukas into Marathi districts brought forth considerable opposition from the public of the then Bombay Karnataka. Questions were asked in the Bombay Legislative Assembly. We have already referred to the reply of the then Chief Minister of Bombay in connection with the inclusion of Jath Taluka in the district of South Satara as a step taken solely for administrative convenience, irrespective of considerations of language. This is further clear from the fact that even for purposes of official language, such talukas consisting of merged areas were directed to be treated as bilingual because the local language of the place was Kannada although the language of the Ruler used to be Marathi. While so declaring the Government of Bombay further assured that it was a temporary measure and that the question would again be reconsidered and finalised later. The proper occasion for such reconsideration and finalisation, in our opinion, was at the time of the Reorganisation of States.

323. As already stated above, the States Reorganisation Commission set before itself the principle that District should be taken as a unit. But it is unfortunate that the distinction in respect of the merged areas of the Princely States of the above sort does not appear to have been pointedly brought to the notice of the States Reorganisation Commission, as can be seen from the fact that they have not made any observations on this important aspect. Since by the time the States Reorganisation Commission started its work in 1954, the merger of Princely States and consequent allocation of the area of those States in the various talukas and districts was an accomplished fact. The States Reorganisation Commission considered the then existing District as a whole as one unit. Their attention was not drawn to the fact that some of tht States, which were merged and formed as Talukas, had possessed all the requisite characteristics of a District and that they deserved to be considered as independent units for the purpose of allocation into the linguistic districts to be formed. As discussed before, there is no point in making any such distinction in respect of those areas of the Princely States which were within the boundaries of one district and were therefore included in that district. In cases like the talukas of Shirhatti, Jamakhandi, Ramdurg and

Mudhol, etc., the question does not assume any importance because each of them was in the centre of one district and therefore there was no question of its allocation being made to any other district on the basis of their linguistic composition. The question assumed real importance in the case of the States like Jath and Akkalkot as discussed above. In such cases the distinctions above said should have been brought to the notice of the States Reorganisation Commission. If it were so done, we feel confident, that they would have treated these talukas as units equivalent to Districts and allocated them to a State on a simple linguistic majority.

324. A question may be raised that after the merger of the Princely States and allocation of these areas to the districts, these areas have also developed into an organic unit as part of the district with which they are linked. But such process of development is slow and takes a long time. The States Reorganisation Commission has considered the Districts as organic units because there has been a growth and development for a century or more between it and its components. The same cannot be said of the areas of the Princely States merged in the Districts. The few years that have passed after merger cannot by any means be stated to be a sufficiently long period of time for such organic development.

325. The conditions existing in the taluk testify that there has been little development in the taluk of Akkalkot after its merger till now. Maindargi and Dudhni are important towns in the taluk barring Akkalkot, their population being 10,004 and 6,043 respectively. Both of them were originally parts of Kurundwad State. Dudhni has been since long an important trade centre. It has a railway station which is an additional amenity for trade. It is no wonder that during the period when it was a part of the Princely State there were no good roads, not even one to connect these two towns within the same Kurundawd State. At least after merger one would normally expect a good road from Dudhni to Akkalkot, particularly, when on the way lies the other and bigger town of Maindargi. We had the privilege of visiting Dudhni from Akkalkot and return *via* Maindargi back to Akkalkot. The condition of the road, if it can be called by that name, is such that one would never dream of going in a car. We had to proceed in a jeep. We had to

thank God that both the jeep and ourselves returned safe. The local people explained that this utter neglect was due to the fact that the Government of Maharashtra was looking upon this area as marked for transfer to Mysore and therefore were unwilling to spend any money over the improvement of these parts. They also alleged that an irrigation scheme which had been planned and kept ready for execution is not being put into action for the same reason. We do not wish to go into these allegations. All that we hope is that the conditions be bettered by giving immediate attention to such problems. It is enough for our purpose to note that the few years after merger have brought about no appreciable improvement in the relations between Akkalkot and the other surrounding villages of the State after their merger. Though things may be moving towards improvement, the process is very slow and there is no marked progress. In our opinion, any small improvements during this short period cannot show any marked changes. Therefore they have got to be left out of consideration.

326. If the above view is accepted, the areas of the State of Akkalkot will have to be treated as a unit for the purpose of allocation of the area to a particular linguistic State. Out of the 124 villages in the present Akkalkot taluk, 101 villages belonged to the State of Akkalkot, 15 villages to the State Kurundwad and 5 villages were from the original South Sholapur taluk. As far as these 5 villages are concerned they do not adjoin any portion of the South Sholapur taluk. They are near the eastern boundary of Akkalkot taluk. All of them are Kannada speaking villages. Before Reorganisation, they were 'islands' or 'pockets'. Hence the fate of these villages has got to be linked up with the adjoining areas of Kurundwad State and of Akkalkot State. Therefore there is no question of any special consideration about them.

327. We have next to take up consideration of the 15 villages which originally belonged to Kurundwad State (Junior) and have now been included in Akkalkot taluk. Kurundwad, the headquarters of the State, is located in the present Shirol Taluk of Kolhapur District and is about 160 miles away. As the intervening areas were parts of the British districts and also of other Princely States,

there has been no direct facilities of communication either by road or by rail. Although there would be some point in considering these 15 villages only as forming a group by themselves and as having developed some links between each other, the link between this group of villages and Kurundwad could, if at all, be merely artificial and slender. Hence this group of villages cannot for any practical purposes be taken as forming part of Kurundwad. All these 15 villages are Kannada speaking. On the west and north they are surrounded by the Kannada speaking areas of Akkalkot Taluk. On the east and South they are surrounded by the Kannada areas of Gulbarga District. These villages also formed an autonomous group under an independent administration of the Chief of Kurundwad. Hence this group can well be considered as a unit by itself. If so, these villages have to go to Mysore and there is no escape from that. But at the time of merger of States, Gulbarga district was a part of the Nizam's dominion. Hence this group of villages together with the Princely State of Akkalkot were formed into one taluk and that taluk was added on to the Sholapur District, purely on grounds of administrative convenience (without taking into consideration the linguistic complexion). If, however, the attention of the States Reorganisatin Commission was drawn to the fact that this group of villages has to be treated as a distinct entity, they would have found no difficulty in putting them into the State of Mysore.

328. Apart from this, the question of the whole taluk of Akkalkot could have been considered as a unit since the two main component parts of that taluk were Akkalkot State which was an independent and autonomous Princely State and a portion of Kurundwad State which was equally a part of an independent and autonomous Princely State. Both these components joined together could also have been equally considered as a unit and they could well have been considered as having the status of a district for the purpose of allocation between linguistic States. Considered from this point of view it may be seen that 55.5 per cent of the population of the whole taluk speak Kannada and only 23.3 per cent speak Marathi. Hence the whole taluk deserves to be included in Mysore Area. But unfortunately this aspect of the case that these units formed an independent unit was not brought to the notice of the States Reorganisation

Commission and was not considered by them. Such allocation is quite consistent with the principles adopted by the States Reorganisation Commission and does not at all conflict with any of the considerations adopted by the Parliament. The question therefore deserves to be reviewed and reconsidered and the mistake of placing it in Maharashtra by looking upon it as a part of the district of Sholapur deserves to be remedied at least at this stage.

329. There is one possible argument against this suggestion, namely, that Akkalkot is near enough to Sholapur and has got trade relations with that place. The distance between Akkalkot and Sholapur is 20 miles. Even in the earlier days Akkalkot formed the centre of transit trade. It is noted in the Chapter about Akkalkot in the District Gazetteer of Sholapur that the transit trade which the Vanjaris carried on between Sholapur on the one side and Gulbarga, Raichur, Kalyan, etc., in the Nizam's Dominion territory on the other side was through Akkalkot. This shows that Akkalkot had equally good trade relations with Gulbarga which is at a distance of 50 miles. Even by rail the distance between Akkalkot and Gulbarga Stations is only 45 miles. Hence it would be no handicap if Akkalkot is made a part of Gulbarga District. It is a question of choosing between the two trading centres. Gulbarga has the added attraction of offering homogeneity of language so long as Sholapur remains a part of Maharashtra.

330. The above passage in the Gazetteer supports the relations Akkalkot had in matters of trade with Kalyan. That town was also the centre of activity of social, religious, literary renaissance already referred to. Akkalkot must have received impacts of thes activities. According to 1881 Census the State of Akkalkot had a population of 58,040 of whom 20,000 were Lingayats and only 8,000 Marathas. The Mussalmans were hardly 7,590 or 13.8 per cent. The cultural ties of the Lingayats at any rate were linked up with Kalyan on the one side and with their brethren who are predominantly to be found in the neighbouring districts of Gulbarga, Raichur and Bijapur, etc., on the other.

331. In the very palace of the Maratha Chief of Akkalkot, there are 8 Kannada inscriptions standing to

this day. One is of the year 1092 A.D. and belongs to the reign of Tribhuvana Malla Deva (Vikramaditya VI), ruling the kingdom from Nelavidu of Kalyan. It introduces his subordinate Mahamandaleshwara Jogmarasu of Kalachurya family as governing from Mangaliveda. This has already been referred to while dealing with the taluk of Mangaliveda. This inscription refers to the grant of certain lands for the temple of Chandreshwara Deva of the place Handekhadi. There is one more Kannada inscription but of the year 1114 A.D. It shows a Chalukya grant of lands in Chittayana Karanjige for the temple Siddaha Gajjeshwara Deva at Karanjige. All these inscriptions are not only in Kannada language but are also in Kannada characters. There is another Kannada inscriptions at Karabgaon in Akkalkot State. This goes to show not only the prevalence here of Kannada language from early days but also the influence of the Kannada culture on these parts.

332. The foregoing discussions show that whether considered as two units (consisting of old Akkalkot State and part of Kurundwad State which were independent units) or as one unit, namely, Akkalkot taluk, the whole of this area deserves to be allocated to Mysore according to the principles adopted by the States Reorganisation Commission and ratified by the Parliament. Even apart from this, if we examine carefully the claims of the Government of Maharashtra for the various villages, it will be found that the same is hardly tenable. Akkalkot which is the headquarter of the taluk is a town with a population of 18,112 (according to 1951 Census). It is claimed by the Government of Maharashtra on the ground that this town together with a few villages is a Marathi area and that the same should be detached from the Akkalkot taluk and retained in Maharashtra. Because it was ruled by a Marathi Chief, whose mother tongue was Marathi, Marathi was enforced as the official language. All positions of influence and patronage (of the ruling Chief) were held by Marathas and by Marathi-speaking people, with the result that there has been an artificial preponderance of Marathi people in this essentially Kannada town. In spite of it, the marathi population of this town is not even half. It is hardly 44 per cent. As discussed in the case of cities, the position of towns also needs a similar special consideration. The linguistic complexion of the town will have to

be determined, not merely by the percentage of the people speaking one language or the other in that town, but by the language spoken in the villages in the neighbourhood of the town. So also the trade and economic relations of the town with the neighbouring Villages have got to be taken into consideration. Adjoining the limits of Akkalkot town on the three sides, *viz.*, east, south and west, there are 11 villages, namely, Kolibet, Mahamudabad, Nimbgaon, Goudgaon (Kh), Rampur, Itage, Nagenhalli, Matanhalli, Dodyal, Bagehalli and Konhalli. All these are Kannada villages. But in the case of 3 or 4 villages the Government of Maharashtra claims that they are Marathi merely on the technical ground that the percentage of Marathi-speaking people (though less than 50 per cent), is slightly more than that of Kannada-speaking people. In Bagehalli, for instance, the percentage of Marathi-speaking people is 46.1 while that of Kannada-speaking people is 44.5. The village is quite adjacent to Kannada areas. In Dodyal, Marathi population is 44 per cent while Kannada is 36 per cent. In Nagenhalli Marathi population is 30.1 per cent while Kannada population percentage is 12.8 and those speaking other languages number 57.1 per cent. The village Itage is also claimed by Government of Maharashtra though the Marathi population there is only 21 per cent and Kannada population 45 per cent. There are three more villages which adjoin the town of Akkalkot on its northern side. Out of them only two of them, Dahitane and Sangavi (Kh) have Marathi majority above 50 per cent. The third, namely, Hassapur has a Marathi population of only 42.1 per cent and its Kannada population is 33.8 per cent. Of these, Hassapur and Dahitane are small villages with a population of 742 and 229 respectively. It should also be noted that to the north of Dahitane and adjoining it are Kannada villages like Chapagaon and Hannur thus showing that Dahitane is sandwiched between Kannada villages. Its Marathi preponderance appears to be, not on account of local population, but on account of its being under the influence of Akkalkot. These facts illustrate that the town of Akkalkot is surrounded on most of its sides by Kannada speaking villages, and is therefore essentially Kannada place.

333. Without going into further deatils about the trade of this place or of the octroi receipts, etc., we may

mention that out of the total area of 536.8 sq. miles in the taluk, the Government of Maharashtra has claimed only 100 sq. miles in respect of 24 villages and Akkalkot town. We have already shown one or two instances where they lay claim even to the villages with Kannada majority. We will presently discuss some more instances of this nature. If such villages are left out, the total claim would be still far less. That shows that the produce of the taluk coming to Akkalkot from Kannada villages will be more than that from the Marathi villages—the proportion may roughly be 90:10. Educational, Medical and other facilities that will be availed of by the villages in the Taluk will be more from Kannada areas. Under these circumstances it is a matter for serious consideration whether the town of Akkalkot should be kept amidst its natural surroundings of Kannada areas or whether it should be kept with Maharashtra by linking it with a narrow corridor from the North. In our opinion, no special consideration exists to adopt the latter course. It was the capital and centre of activities of the State of Akkalkot (at least with 101 villages) for far more than a century and has naturally developed trade and economic relations with the whole of that area. It is but meet that the same should continue. There is no point in cutting it off from its very moorings in isolating it.

334. We may proceed further to consider the claims of Maharashtra in respect of other villages claimed by them from out of this taluk. We have already shown that village Itage has Kannada majority and that the margin of difference between the people speaking the two languages in the village Bagehalli is very little. Similar is the position of the village Banasgol which is near the eastern boundary of Akkalkot.

335. From the foregoing it will be seen that at least in respect of 5 villages the Government of Maharashtra's claim cannot be justified since 4 of them have got Kannada majority and the other is a deserted village in between Kannada villages. Out of the remaining, only 11 villages have got more than 50 per cent Marathi and the rest are claimed for Maharashtra on the ground that the percentage of Marathi in those villages is slightly more than Kannada, in spite of the fact that the Marathi-speaking population there number less than 50 per cent. In some villages the excess of the Marathi-speaking population is quite inappreciable and almost nominal.

336. In our considered opinion the whole taluk of Akkalkot deserves to be kept in tact. As already discussed above in detail, the whole of that taluk will have to be treated as a unit of the status of a district, in which event it will have to be allocated to Mysore.

CHAPTER XXVI

Hyderabad Karnataka : Gulbarga District

Aland Taluk

337. Only 8 villages of Aland Taluk are claimed as Marathi-speaking. The total population of these villages is 49,787, and out of them 3,356 are Marathi speaking. It may be noted that the whole of Gulbarga district and also the whole of Aland Taluk (leaving aside the case of the 8 villages) is Kannada-speaking. This taluk has 129 villages with a total population of 1,34,524 of whom the percentage of Kannada-speaking population is 48 and of the Marathi-speaking population is 17.

338. The only points made out in respect of these 8 villages are that Marathi-speaking population taken as a whole in these 8 villages is 67.5 per cent and that the said villages lie adjacent to the boundary of Omarga taluk which is in Maharashtra. These villages are quite close to Aland the headquarters of the taluk. We have already discussed the general points, for and against, the breaking of areas on the language basis. In our view there is no special reason to detach these 8 villages merely on the ground that the Marathi-speaking population has a majority in these 8 villages. We do not agree with the view put forth by Maharashtra in respect of these villages.

Bidar District

339. We have already considered in detail in Chapter XIX of Part I of our report the question whether the district of Bidar was divided into three portions and added on to the three States by agreement between the representatives of the three linguistic areas. We have expressed our opinion that there was such an agreement and that the agreement so arrived at should not be lightly interfered with. We have now to consider the merits or otherwise of the proposal to sub-divide the talukas by cutting off the areas claimed by the Government of Maharashtra.

340. Bidar has all along been a Kannada area. In the early periods of history it was ruled by the Kadambas,

the Pallavas, the Gangas, the Chalukyas, the Rashtrakutas, the Hoysalas and the Vijayanagar Kings. Most of these dynasties were Kannada. When the Mohammedan Kings of Deccan ousted the Vijayanagar Dynasty, they divided the northern area of Vijayanagar country between them into 'Carnatic Hyderabad' and 'Carnatic Bijapur'. Wilkes mentions that Bidar was a part of Karnatak or Kannada area.

341. We have already mentioned the fact that prior to Reorganisation Bidar consisted of 9 talukas and that it was a Trilingual district. The then linguistic proportion of the district was as follows: Marathi (32.8 per cent), Kannada (31.3 per cent), Telugu (16.4 per cent) and other languages (19.5 per cent). By common agreement two of the 9 talukas went to Andhra Pradesh, 3 to Marthwada and 4 talukas only remained in Bidar District which were joined to Mysore.

Humnabad Taluk

342. This taluk consists of 144 villages including the town of Humnabad. The area of the taluk is 592 sq. miles and its population is 1,68,285 according to 1951 Census. The claim of the Government of Maharashtra is in respect of 28 villages with an area of 115.1 sq. miles. The population that would be affected by such a claim would be 22,303. The percentage of Kannada-speaking population is 48 while that of Marathi-speaking population is 17 per cent Telugu 11 per cent and others 24 per cent.

343. We have already referred to the literary renaissance started by Basava in the middle of the 12th century. Basava was the Minister of King Bijjala, who was the Jain ruler of Kalyan in this taluka. It may be mentioned that the Jains of Karnataka are Kannadigas and they have done yeoman service to the spread of Kannada literature. It therefore follows that the influence of the King also must have been in favour of Kannada. Even in those old times Kalyan appears to have been a more flourishing and very important town. Today its population according to the 1951 Census is 14,309. It is a flourishing trade centre in spite of the fact that till recently it was not connected by good roads.

345. We have also alluded to the fact that Basava was also a great social and religious reformer. During his time Kannada language had reached its zenith both in quality as well as in quantity. It not only invited many Kannada writers from places far and wide but also it caused its influence felt in places at great distances all around. One characteristic of Basava's movement which was almost revolutionary was that it was a popular movement and he carried the masses with him. Since the town of Kalyan was the fountain head for the spread of Kannada language, it is fair to infer that Kalyan must have been completely a Kannada place. As already referred to, in later periods Kalyan fell into the hands of Muslim chiefs under the Nizam. The result was that Kannada language and Lingayat religion gave place to Urdu language and muslim religion. It also happened that owing to the influence of the ruler there was complete domination of muslims. One of the holiest places of the time of Basava slid into the hands of muslims who came to use it as a slaughter house for butchers.

345. The census of 1951 disclose that the Kannada population of Kalyan is hardly 26 per cent while the percentage of those other than Kannada or Marathi is 59. It need hardly be mentioned that this high percentage refers to Urdu-speaking people, which ordinarily means muslim public. We have also pointed to this fact to show that the linguistic complexion of any place or area is not stable and that it is capable of fast changes under stress of circumstance.

346. As above said Kalyan is now a flourishing trade centre and commands considerable trade from long distances. It is the biggest place in the taluk. Even Humnabad, the taluka headquarters is smaller having a population of only 10,000 and it has very little trade as compared with Kalyan. In fact many villages round about, including those claimed as Marathi villages in this taluk and also those in Bhalki have all trade connections with Kalyan where they market their produce. In view of these considerations we are of the opinion that the contentions of the Government of Maharashtra that more people speak Marathi in those villages and that they are contiguous to Maharashtra are not sufficient grounds for disturbing them from their present position in this taluka.

Bhalki

347. Bhalki taluka lies to the north of Humnabad taluka. It has 158 villages including the towns of Bhalki and Hulsoor, with a total population of 1,40,454 for the whole taluka. The area of the taluka is 589 sq. miles. Out of this taluka 49 villages with an area of 177.1 sq. miles are claimed by the Government of Maharashtra. The population that would be affected by such transfer will be 47,879.

348. To the east of this taluk lies the taluk of Bidar which is a Kannada area. Bhalki is connected with Bidar both by road as well as by rail. The distance between the places by rail is 32 miles, while by road it may be a couple of miles more. Apart from its being a taluka headquarters, it is a good trading centre in the taluka. The only other place commanding some trade in this taluka is Hulsoor. At this stage it may be noted that Hulsoor is a town with Kannada majority having 52 per cent Kannada and 24 per cent Marathi-speaking population. The town of Bhalki is a Kannada place and it is not claimed for transfer by the Government of Maharashtra. The boundary line marked by that Government passes further from this town at about a distance of 4 or 6 miles from Bhalki. Most of the villages claimed by Maharashtra have trade relations with Bhalki if not with Kalyan. Bhalki is linked with Bidar, the District place, both in regard to trade as well as in administrative matters. From what little we could gather from the people who support the contention that the Marathi villages in the taluka should be transferred to Maharashtra is that they are of the opinion that the villages should be transferred along with the town of Bhalki and not, if the town is not transferred along with those villages. This shows a realisation of the importance of the trade and economic relations of these villages with that town. In other words if Bhalki remains in the Mysore State (which is the position even according to the claim of the Government of Maharashtra), the other villages claimed by Maharashtra should not be transferred.

Santpur Taluk

349. Santpur taluka lies to the north of Bhalki and Bidar taluks. It consists of 149 villages, including the

town of Aurad which is the headquarters of the taluka. The total population of the taluka is 91,357 while the area is 456 sq. miles. Out of these 69 villages are claimed having an area of 218.4 sq. miles. The population involved in the transfer will be 46,669.

350. Both Aurad as well as Santpur are connected by road to Bidar. The distance between Bidar and Santpur may be about 45 miles. There is no road connecting Santpur to any other near-about important term in Maharashtra. The distance between these places and the district town in Maharashtra is too great. Administratively it is more convenient that this place should be in Bidar district.

351. All these points must have weighed heavily while in agreement was arrived at beween the 3 linguistic groups prior to Reorganisation that these areas should go to Karnataka. The fact that the alleged Marathi villages of the talukas of Bhalki and Santpur have facilities of communication with the respective taluka headquartres and further with Bidar, the district headquarters, and also the fact that they have no similar facilities of communication with the talukas of Nilanga, Udgir and with the district place, Osmanabad, must have overweighed the considerations about linguistic homogeneity with the neighbouring areas. This further explains the position why people of the Marathi speaking villages in Bhalki taluk are willing to be transferred to Maharashtra only if Bhalki is also transferred. At this stage it may be noted that advantages of facilities of communication was one of the most important considerations which overweighed the considerations of linguistic homogeneity when the 17 villages in Umbargaon taluk were allowed to be transferred to Gujerat at the time of bifurcation of the bilingual Bombay State. This is stated in so many clear words of the Chief Minister of Bombay, Sri Y. B. Chavan in para 3 of his statement submitted by him to our Committee. "The allocation of the former (*i.e.*, 17 villages in Umbargaon taluka) to the State of Gujerat was decided on grounds of contiguity and facilities of communication." The grounds of "facility of communication" thus justifies the retention of the Marathi-speaking villages in these two talukas, apart from other considerations mentioned in Chapter XIX of Part I of our report.

PART III

SOME OTHER ASPECTS

CHAPTER XXVII

Public Opinion

352. The case of the Government of Maharashtra is based on certain principles or criteria known as Pataskar Formula. In the I Part of this report, we have discussed these criteria IN EXTENSO and also certain other general principles which are relied upon by the Government of Maharashtra in support of their case. In the II Part, we have discussed the merits (apart from the said criteria) of the specific areas claimed and have expressed our definite views that none of the areas deserves to be transferred except that the taluk of Akkalkot which, in our opinion, ought to have been transferred to Mysore even according to the principles adopted by the States Reorganisation Commission. The discussions in these two parts practically conclude all the points of view raised by the Government of Maharashtra in support of their case and incidentally the points of view made out by the Government of Mysore.

353. A point not made out by the Govearnment of Bombay in their Memorandum nor by their Chief Minister in his statement submitted to the Cimmittee has been raised by the Governor of Maharashtra in the course of his address at the Joint Session of the Maharashtra Legislature on the 16th March 1962. According to what has appeared in the Press, he is reported to have asserted that the recent elections in the Maharashtra-Mysore boundary areas had indicated the stand of the Maharashtra Government on the boundary issue. He even suggested that the issue should be resolved on the basis of this verdict as a matter of highest priority. As the said observations come from the highest authority in the State they may be regarded as the views of the Government of Maharashtra. We therefore feel called upon to discuss the same and to express our opinion.

354. The very fact that on neither of the two occasions above mentioned, the Government of Maharashtra

thought it fit to make any the least reference to public opinion (said to be expressed through elections or otherwise despite the elections of 1957 and the alleged success therein) shows that the Government deliberately refrained from giving importance to that aspect of the case. Similarly the Government of Mysore also discreetly avoided making any reference to public opinion which also indicates the same view. Apart from these, both governments must have realised that if the expresion of public opinion is given importance to and regarded as a matter to be reckoned with, that would not only encourage but incite the public to have re-course to agitational methods and activities and would lead to untoward results. In spite of this restraint on the part of the two Governments concerned, there have been agitational methods pursued by some others in support of the claim of the Maharashtra.

355. All sorts of methods ad agitational approaches with high sounding names such as Hartals, Satyagraha, No-Tax Campaign, etc., are engineered in the borders of Mysore (as stated by the Government of Mysore) mostly by interested persons from Maharashtra or by " a few disgruntled persons who want to make political capital out of any situation." With all this, it may be noted that there is some difference in the nature of the stands taken by the two Governments in respect of the border question. Even though there are certain Kannada areas, some of them as big as talukas, within the borders of Maharashtra, the Government of Mysore has accepted the verdict of the Parliament by taking the boundaries fixed by the States Reorganisation Act as final. On the other hand, the Government of Maharashtra starts with an enunciation that the boundaries fixed by the States Reorganisation Act are flexible, intended to be redrawn and thus they claim as many as 814 villages with an area of 2,806 sq. miles involving a population of 6,70,000 and extending to nearly 500 miles all along the boundary between the two States. This claim which is aggressive in its nature tends to create a feeling in the minds of the people in these areas claimed a sort of discontent at the existing conditions coupled with a stimulus to do something to get the transfer of these areas to Maharashtra. Thus a field is provided and made ripe for agitational activities. The slightest spark from interested agitators will easily kindle fire. There have been outbursts in the border areas but inside the State of Mysore.

356. This may be contrasted with the quietness prevailing on the other side of the border in the State of Maharashtra. Although there are in the State of Maharashtra several Kannada areas—very big slices too—and although there are numerous Kannadigas desirous of joining Mysore, no such agitational activities have been started anywhere in the Kannada areas in the Maharashtra State. In our opinion, this is due to the great restraint of the Government of Mysore and of its Members. Since they affirm that the boundaries fixed by the States Reorganisation Act are final and therefore no-change is permissible, no Kannadiga on either of the border feels tempted to carry on any agitation.

357. In this connection it would be useful to recall the factors that might have worked behind the steps taken by the Government of Maharashtra in starting a college at Arjun Nagar in the Maharashtra territory for the use of students in Nipani in Mysore State. As already explained before, the main object of starting a college at that place must be to cater to the needs of the student population of Nipani in Mysore. Human nature being what it is no Government of any State would have taken such an altruistic step when several areas within its own State are in very urgent need of schools and colleges. Since the Government of Maharashtra contends that the borders drawn by the States Reorganisation Act are flexible and that they can legitimately lay claim to the areas in Mysore beyond their State borders, or in other words, since the Government of Maharashtra has taken an aggressive stand on the question of borders, they must have viewed their act as a charitable extension of their duty, rather than as anything unusual. It is as though the Government of Maharashtra feels that the areas beyond its border are already theirs on the ground that the majority of the people in those places speak Marathi. In this light it appears that the college has been started as a prelude to the intended acquisition of the areas in Mysore. It might be in such a peculiar justification of the stand taken by the Government of Maharashtra (both in respect of the claim of areas now in Mysore and also in respect of starting the above college on the threshold of Mysore State) that the Chief Minister of Maharashtra made a speech at the college. He expressed his sympathy with the agitation of the people on the border areas in Mysore by stating that their claim to go over to

Maharashtra is legitimate and proper and by assuring them that he knew how to get the transfer achieved and that he would do the proper thing at the right time in order to get the transfer effected. Although we believe that it was not his intention to create any unrest on the other side of the border expression of such feelings of sympathy and encouragement at a place where the feelings between Kannadigas and Marathas were already aroused and where there was certain amount of tension, would certainly increase the tension. In these days when the country is afflicted by conflicts of communalism and linguism the greatest need of the hour is to soften the feelings of the people thus torn apart and to bring about National Integration. We have our own doubts whether such acts as above described may at all lead towards this goal.

358. As discussed above, the stand of the Government of Maharashtra is rather conducive to a feeling of agitation as started at several places within the State of Mysore. Agitational methods are likely to lead to disputes in various spheres—and quite pertinently—in the sphere of elections also. In the elections, while the Marathi people, imbued with the above stand of Maharashtra, are likely to raise the cry of transfer of areas as an election plank the Kannada people will not take to agitation since their stand is STATUS QUO. Ordinarily in an election there are several factors that come into play. If the result of the election in any particular case is to be regarded as the verdict of the electorate, the matter should have been in issue between the rival candidates. The Congress which is the predominant party in the field in the State of Mysore as in other States, has not made the question of linguistic readjustments as a plank in the general elections. The electorate was not called upon to vote on the basis of that issue. It is, however, stated that the Samyukta Maharashtra Samithi (which came into being with avowed object of bifurcating the State of Bombay and of forming an unilingual State of Maharashtra) contested the elections with the issue of transfer of Marathi areas in Mysore as one of its planks for electioneering campaign. It appears that four candidates supported by them contested elections in the recent general elections, in respect of the six Constituencies in the District of Bidar. Out of the six, 4 seats went to Congress, 1 to Praja Socialist Party and one only out of the 4 candidates supported by Samyukta Maharashtra

Samithi succeeded in the General Elections in the Hulsoor Constituency of Bhalki taluka. It is significant to note that he got only 38 votes more than his nearest rival the Congress Candidate in that constituency where 31,000 votes were polled in all. It may also be mentioned that the Praja Socialist Party supports STATUS QUO on the border issue and opposes transfer of areas to Maharashtra. In this connection it would be interesting to note the actual votes cast in favour of the three parties in Hulsoor Constituency. The Samyukta Maharashtra Samithi party candidate secured 13,424 votes while Congress got the 13,386 and the Praja Socialist Party got 4,344. Since stand of the Congress and the Praja Socialist Party on the border issue is common (*viz., Status Quo*) the number of voters supporting that stand come to 17,730 against 13,424 votes for transfer. The verdict of the electorate is clearly against transfer, in that constituency also.

359. In the districts of Belgaum and Karwar there was no candidate set up by or supported by the Samyukta Maharashtra Samithi. It is however claimed that some of the successful candidates belonged to Maharashtra Ekikaran Samithi which is one of the parties that is carrying on the agitation for transfer of certain areas to Maharashtra. But that party is not one of the recognised political parties in the States of Mysore and has not been assigned any symbol in the Elections. So far as the District of Karwar is concerned no candidates contested the last General Elections on the Maharashtra Ekikaran Samithi ticket in any of the constituencies in that district. In the District of Belgaum however five candidates supported by the Maharashtra Ekikaran Samithi came out successful in five out of 18 Assembly Constituencies but no candidate of theirs contested the Elections to the Parliament seat. The candidates supported by the Samithi were independent candidates. In the matter of elections they had the advantage of securing votes even from persons who might not have been eye to eye with the Samithi on the question of readjustment.

360. In the face of the foregoing, we are surprised that the Governor of Maharashtra should be pleased to announce that the recent elections in the border areas of Maharashtra and Mysore had once again vindicated the stand that Maharashtra has all along taken on this issue.

Under these circumstances we feel that the question of public opinion should not have been given the importance attributed to it in the Governor's speech especially when that appears to have been the deliberate policy adopted by both the Governments in their respective stands taken before our Committee. If the Governor of Maharashtra or his Government seriously want us to give such an interpretation to this assumed verdict of the electorate then how can they escape from a similar interpretation to the thumping success at the polls of Sri M. S. Aney and to the consequent verdict of the Nagpur Constituency as a vindication of the claim for separation of Vidharbha from the Maharashtra State? If, however, it is thought that the question of border disputes should be settled by a referendum that should be made a definite issue and a special verdict should be sought. If once such method is adopted, then the same method will have to be recognised for deciding the border disputes in respect of all other States in India. We may mention a word of caution here, that if this method is once adopted it would open up new vistas for animosity and fight between linguistic groups not only in the area but between disputant States in each case. This should be avoided as far as possible.

CHAPTER XXVIII

Some Suggestions

361. In view of the fact that the principles relied upon by the Government of Maharashtra are unacceptable to the Government of Mysore sugestions are being made in two directions. It is reported in the Press that the Chief Minister of Maharashtra is moving or has moved the Union Government to intervene and give a decision in respect of the border disputes between Maharashtra and Mysore. We do not recall here what the Government of Mysore has to say on this point. They aver that the question of adjustments of borders so far as Mysore is concerned has to be in respect of all the Four States—Maharashtra, Andhra Pradesh, Madras and Kerala—since between those States and Mysore common borders exist giving rise to disputes. If any adjustment of the borders of Mysore is to be effected, it should be simultaneously done on all these borders and also in accordance with a common principle as the basis. Commenting on this stand, the Chief Minister of Maharashtra says, " if the same stand were to be taken by the other States involved in the border disputes with the State of Mysore, we would reach a position in which the border disputes in the whole country will have to be settled simultaneously ". He is right in foreseeing this difficulty. Whether we mean it or not, if a dispute between Maharashtra and Mysore is solved on some principle (Say the Pataskar Formula) then it will be an invitation to other States who hope to be benefitted by the application of that formula to raise fresh disputes and to seek the help of the Centre for applying the same principles. Hence the question is not whether the border disputes between all the States in the country should be taken up for solution simultaneously or whether the disputes between Maharashtra and Mysore alone should be taken up and settled. The real question is whether it is advisable to invite such fresh disputes between the borders of various other States by applying such general principles for solving the disputes between Maharashtra and Mysore.

363. At this stage we may mention that if an *ad hoc* arrangement is reached by the method of give and take between Maharashtra and Mysore it will not involve

enunciation of any new principle and it will be the result of mutual agreement between the parties. Thus such a settlement will create no new precedent which can be claimed for disputes between other States. Hence there will be no occasion for latent disputes springing up afresh into the arena.

363. It appears that the Government of Maharashtra would be aggreable to arbitration provided certain directives are given to the arbitrator. At one time they suggested that as a preliminary to such reference to an arbitrator, some formula *viz.*,(Pataskar Formula)may form the basis or a guide to the arbitrating authority. When that was found unacceptable they further suggested that the terms of reference should be to consider readjustment of boundary areas particularly with a view to reducing the linguistic minorities in the border areas, of each State to the minimum. This is practically the paraphrase or the summary of the implications of the Pataskar Formula.

364. In any event if the arbitrator is given such directives very little is left to the arbitrator. His task will be merely to work out the directions. Besides this if the formula or other directives to be followed by the Arbitrator are settled and fixed, it will amount to the same thing, as accepting of the general principles for application to all the States wherever disputes about borders arise. The same difficulties as discussed above will arise in this case as well.

CHAPTER XXIX

Arbitration

365. In any dispute where the problem does not admit of an easy solution, one feels baffled and the only way that suggests itself is to have recourse to Arbitrators as an easy way of finding a solution. Such proposals have come up in this case also. The principle underlying arbitration is simple. Parties to a dispute are generally prone to take a one sided view. They rarely take note of the other side of the case. Therefore it is always better to place the matter before a third party who can see both the sides of the dispute with a dispassionate mind and can give a proper solution. When the parties agree to an arbitration and when the arbitrator after hearing both sides gives his own award, it has to be taken as binding on both the parties. Assuming that one of the parties is not satisfied with the award of the arbitrator (Which does happen more often than not) it cannot lie in the mouth of that party to question that Award or to take up the same dispute once again. It cannot be open for him to say that the dispute should be referred to another arbitrator for a second time. If this is permitted there would be no end to this process and therefore there would be no finality at any stage. Therefore Law as well as practice has accepted that the decision of the very first arbitrator should be treated as final and that it should not be lightly interfered with. Even Law Courts are not permitted to interfere with the award given by a private arbitrator whether that is right or wrong.

366. In the light of these considerations let us analyse the present case and see how far the suggestion for reference of this case to Arbitration would be proper or appropriate.

367. The present disputes regarding the boundaries are not new. It is not, for the first time (as it may appear) that they come up now after the passing of the States Reorganisation Act. Provinces on linguistic considerations were no doubt formed as a result of the States Reorganisation Act in 1956. But the demand for dividing India on linguistic basis has been there since the last 50 years if not more. Demands were being repeatedly made to the

British Government for the formation of such provinces. Almost all the peninsular States which were mostly multilingual were up against the then administrative units known as Provinces. The Andhras, the Oriyas, the Kannadigas and Maharashtrians, etc., all demanded separate provinces. In 1921 the Congress divided the Country into linguistic provinces for administrative purposes of that organisation. In 1928 when the Draft Constitution of India was prepared by the Committee under the Chairmanship of Pandit Motilal Nehru the claims of such linguistic provinces was considered and upheld. In 1935, the British Government was pleased to accept the demands of only two States, namely, Orissa and Sind for separate Provinces on linguistic considerations. At all such times both Karnataka and Maharashtra were putting forth their own claims to various areas on linguistic considerations.

368. It may be noted that all the areas now in dispute (barring those lying within the then native States) were portions of the Bombay Presidency right from Karwar to Sholapur. Hence both Maharashtra and Karnataka were laying claim to some of the areas now in dispute as falling within their linguistic regions. We have already referred to the claim in respect of Belgaum raised in 1929 and to the proclamations by leaders of both linguistic groups that it is a part of Karnataka. Rival claims of similar nature in respect of the various parts claimed by Maharashtra and by Karnataka were placed before the Dar Commission in 1946. The J. V. P. report also considered the question of formation of linguistic provinces but on general principles without going into details. We recall all this previous history mainly for the purpose of showing that the areas now in dispute were also in dispute between Maharashtra and Karnataka even in earlier days. It was because there were these and such other disputes between many of the States in India and because no two States were able to settle their differences by mutual agreement that the Government of India thought it proper to appoint the States Reorganisation Commission. They were charged with the work of examining the question of Reorganisation of States objectively and dispassionately and to recommend suitable proposals.

369. In our opinion, this Commission was nothing short of a Committee of Arbitrators. It is common knowledge

that this Committee went round the States visiting most of the important towns in the country and recorded evidence of predominant citizens of India. Rival claims in respect of the various areas of Maharashtra as well as those of Karnataka now in dispute were duly placed before them. A glance at the contents of Chapter IV of Part III of the States Reorganisation Commission's report shows that they have considered carefully the disputes in respect of almost all the areas now in question (except possibly those of Bidar District). They have ultimately decided that the State of Karnataka should be composed of the areas now joined to Mysore. This decision of theirs is nothing short of an award by a Committee of independent and dis-interested Arbitrators. Their verdict is final. Since it was a *High Power Commission* even the Government of India accepted almost all their recommendations. Even in the course of the passage of Bill in the Parliament, only such alterations were permitted as were the result of mutual agreement between the parties concerned. We have already referred to the fact that amendments were moved in the Parliament in respect of almost every one of the areas now in dispute and that they were either negatived or withdrawn. All these go to show how the recommendations of the Commission were considered on a par with the award of Arbitrators not only by the Government of India but also by the Parliament. We therefore venture to repeat again that the Commission was in every sense a Committee of Arbitrators and their report is nothing short of an award. Hence it ought to be taken as final. To raise the disputes against their verdict and to say that the same dispute should be further referred to some other Arbitrator is an unacceptable proposition. Considered from this point of view, why should not the parties reconcile themselves to the position of the award given by the States Reorganisation Commission ?

370. One more aspect of the case needs particular consideration. As already explained the stand of the Government of Maharashtra is aggressive while that of Mysore is one of reconciliation with *status quo*. While Maharashtra claims 814 villages from Mysore, Mysore claims none from the Maharashtra State although there are several areas which they can legitimately demand. When such a dispute goes before an Arbitrator or a Mediator, more often than not, he usually strikes a mean somewhere between the rival claims, that is somewhere between 814

and zero. Whatever their decision the Government of Maharashtra does not stand to lose. If at all, it gains—the only question being whether the gain will be 100 per cent or 50 per cent or something less. As against this, Mysore stands every chance of losing, whatever be the type of mediaton. Maharshtra Government openly admits that it has retained within its State as many as 260 villages, if not more, which are admittedly Kannada. They further admit that the same ought to be transferred to Mysore. But it has never made any offer that these villages may be unilaterally transferred to Mysore whether other villages claimed by Maharashtra are conceded or not by the Mysore Government. Sri Pataskar, the Maharashtra Representative on our Committee did perceive the inequity of the stand of the Government of Maharashtra and proposed that they be requested to offer an unilateral transfer of the areas as above said. He even went to the length of expressing that there was no justification for the Government of Maharashtra to hold these 260 villages and its population as hostages for the Marathi speaking areas and people that now live in Mysore area. We are at a loss to know whether this proposal has found a place in the report of the Maharashtra Representatives, made to their Government.

371. Yet another aspect of the case deserves some mention. It is a corollary of the stand taken by Maharashtra. Since the stand is one of making a demand against Mysore and since it is aggressive as above said, in the very nature of things they have got to be up and shouting. On the other hand, Mysore which has reconciled with *status quo* has nothing to shout for. It is common experience that he who cries the loudest will be heard and responded to. That is what is happening between these two rivals. While dealing with this aspect of the case we are reminded of the stand taken by Pakistan in respect of Kashmir which tries to accuse India and because it is vociferous, it gets heard too.

CHAPTER XXX

Ad hoc Exchanges

372. Although the Government of Mysore have expressed the view that at the time of the Reorganisation of States, all points now urged have been thoroughly considered both by the States Reorganisation Commission as well as by the Parliament and although they urge that the verdict of the latter should be accepted as final, they do not shut the door for settlement of genuine grievances, if any, that might have been caused by the Act. The correspondence between the Chief Ministers of two States, even prior to the appointment of this Committee, and the cases put forth before it by the Government of Mysore disclose that the stand of the Government of Mysore has uniformly been one in favour of settlement of such minor disputes by means of some *ad hoc* arrangement. At the Press Conference on 14th December 1957, the Chief Minister of Mysore expressed, " though the States Reorganisation Act decided the boundaries nothing prevents us from making adjustments by agreement amongst the States at Government level." They however clarify that the question of settlement must relate to minor adjustments. We want to discuss the merits of this suggestion in respect of a negotiated settlement between the two Governments.

373. The Government of Maharashtra however insists on the disputed boundaries being redrawn by applying afresh certain general principles—particularly the Pataskar Formula. In Chapter IX, we have already discussed the propriety of fixing any general principles for the purpose of deciding the boundaries between two States and have expressed our views that formulating such general principles for rigid application would create more difficulties in the way than offer a solution of the problem. As admitted by Sri Y. B. Chavan, Chief Minister of Maharashtra, during the course of the passage of the Bombay Reorganisation Bill, 1960, in the Legislative Council: " The border question is part of a complex and intricate problem which has eluded human efforts for many years. " It would be wrong to assume that such a complex problem can be easily resolved by resorting to some simple recipe like the Pataskar Formula.

374. After all that is said and done, in favour of the States Reorganisation Act, it is possible that there may have remained unnoticed certain village or villages to which hardship might have been caused on account of the present boundary between the States. Although there is much force in saying that, in the interests of the State and of the country as a whole, such individual difficulties have got to be put up with, it would not be difficult to find a way out to relieve the hardship in such individual cases. The Government of Mysore therefore keeps the door open for settling such minor differences. In order to explain what they call 'minor differences', they have suggested that the same should be restricted to a belt of 10 miles on either side of the boundary between States of Mysore and Bombay.

375. In his reply to the Mysore case, the Chief Minister of Maharashtra, no doubt, comments on the limit of 10 miles as arbitrary. We have discussed that aspect and have expressed our opinion that it is not an unreasonable limit and also that in its application to justifiable cases, areas even beyond that limit may be taken into consideration. Beyond the Chief Minister's comment as above said, the Government of Maharashtra has not put forth its say before our Committee as to whether it is willing for an *ad hoc* arrangement for settling the dispute. In fact the Maharashtra Government have not expressed whether they are or are not prepared for such an *ad hoc* arrangement or in other words for a negotiated settlement.

376. A careful consideration of the whole problem leads us to the conclusion that the only way of solving this question (of course within the legitimate limits discussed already) will be by reaching some *ad hoc* arrangement by a negotiated settlement. This same view has been expressed by the Chief Minister of Maharashtra, Sri Y. B. Chavan himself, in the course of the passage of the Bombay Reorganisation Bill, 1960 ;

> "I would say that a negotiated settlement was the only way to solve this question and merely mechanical and mathematical ways do not solve questions where the lives of millions of people are involved. If merely a logical formula is going to solve the questions which are vital for the lives of millions of people, then possibly no human leadership would have been necessary to decide any question. So a negotiated settlement was the only way to solve this question."

The Government of Maharashtra has not put forth any concrete proposals for *ad hoc* settlement. Consequently neither the Government of Mysore nor the Members of this Committee have any occasion to discuss the merits of transfers of any specific villages. Even now the possibilities of such a settlement cannot be ruled out. Although no specific principles for demarcating the border could be fixed, *ad hoc* adjustments can still be possible.

377. According to the terms of the Joint Statement of the two Chief Ministers dated 5th June 1960, the report or reports of the Members of the Committee with their entire comments have to be sent to the two Governments who have to consider them. If agreed proposals for *ad hoc* arrangements were placed before the Committee, their opinion would have also gone to both the Governments and the concerned Governments would have been in a better position to consider them in the light of the opinions of the Members. Even otherwise nothing prevents the Governments to take up the question of such *ad hoc* arrangement and to reach a negotiated settlement about them. The one advantage of such a method will be that the settlement of each village or set of villages will be on considerations peculiar to them. As already discussed any adjustment based on such a settlement will not become a matter of precedent for settling others on the same basis. It cannot be made use of by any other State for application in respect of the disputes of that State, in the same way as it could use the application of a general principle. In our opinion, any settlement thus arrived at would be the best solution. Efforts may therefore still be made by the two Governments in this behalf.

CHAPTER XXXI

Conclusions

378. In the course of Chapter XV we have expressed that linguistic minorities are bound to remain in every State, whatever the method or formula adopted for forming the States. The States Reorganisation Commission has observed (para 641):—

> "A more or less extensive bilingual belt .... is unavoidable. Attempts to establish the precise linguistic and cultural affiliations of such areas can never be quite successful and may also be unnecessary since a completely unilingual area cannot always be created."

It is not unlikely that the section of people which is linguistically a minority, may find themselves encircled by certain difficulties, for the simple reason that it is a minority group. It is, therefore, inevitable that special provisions should be devised to safeguard the interests of Linguistic minorities. It is impossible to avoid this problem. It has got to be faced and proper remedies found out. The importance of this problem has attracted the attention of the States Reorganisation Commission and they have devoted a special Chapter for that topic. They have proposed several safeguards and have also recommended the appointment of an Agency for enforcing the safeguards. Accepting these recommendations the Government of India has already appointed some such machinery. But in practice it has been found inefficacious.

379. Even the existence of the Commissioner for Linguistic Minorities is not felt by the people in the border areas much less his utility. It is obvious that there must be something wrong either in the Constitution or in the working of that institution. It is not for us to examine the drawbacks and to suggest remedial measures. Suffice it to say that it is necessary that there must be a powerful machinery for supervision, investigation of the legitimate grievances and also for rectification of the wrongs caused to the minorities. If the officer now appointed has not got sufficient powers to deal with the problems effectively, it is for the Government to examine and to rectify the shortcomings thereof.

380. We may, however, mention a few of the difficulties facing the minorities that we happened to notice and the remedies therefor. It appears that in the border areas there is a genuine grievance in respect of primary education of the pupils in their mother tongue. There are not adequate number of schools. Where there are schools, sometimes adequate number of teachers are not appointed having satisfactory equipment. It is explained that this is due to want of suitable hands. Kannada knowing young man in Maharashtra State does not find suitable opportunities for his rise and development as a teacher. He, therefore, does not choose to rot in the border areas where Kannada is the language of the minority. Similar is the position of Marathi teachers in the borders of Mysore. When competent hands go away, those available to serve are ill-suited for the purpose. In bigger villages where there are both Kannada as well as Marathi schools, assuming it is in the State of Maharashtra, the Marathi schools will be well equipped and will have sufficient number of teachers. It offers a great contrast to the ill-equipped Kannada schools with insufficient staff. Naturally this will wean away the pupils from the Kannada schools and attract them to Marathi schools. This should be avoided as far as possible as that would result in great handicap to students as they will have to study Marathi and also the other subjects in Marathi. Similar would be the difficulties to be faced by the Marathi students in Mysore area. It came to our notice that in several villages even where they are admittedly Kannada, there are no Kannada schools at all. In some of them there are Marathi schools only and the Kannada boys have perforce to attend them. In other villages there are no schools at all. The usual explanation that there is no demand for Kannada cannot be accepted especially when compulsory education has been in force in the State of Maharashtra since several years. Such explanations are idle. The Kannada question papers in Maharashtra are so badly worded that they hardly do any credit either to the setter or to the Government concerned. In order to remedy this and such other grievances of the Linguistic Minorities there is no effective machinery at present.

381. We have already referred to the use of the minority languages for official purposes. In the taluk of Karwar where the Marathi speaking population is hardly 6.7 per cent Government of Bombay (Maharashtra) has declared

Marathi as the official language and this is kept even to this day although Karwar is now a part of Mysore. But in the taluks of South Sholapur and Akalkot where Kannada population number 48 per cent and 56 per cent, Kannada has not been introduced as the official language. The explanation put forth by the Government of Maharashtra that they are awaiting the Census figures of 1961 is hardly convincing. These inequities and discriminations should be avoided as far as possible. They create bitterness and work as forces antagonistic to national integration.

382. From the foregoing discussions it is clear that difficulties of the minorities, whether in Maharashtra or in Mysore are similar although the language spoken by the minorities may be different. Although in the State of Maharashtra Kannada may be a minority, in our opinion the main features of the problem are one and the same. Hence the safeguards that one State may offer to the minorities in its fold may be expected to be offered or reciprocated to those who are minorities in the other State. Hence it is in the interest of both States that they offer better conditions and fair play to the minorities in its own State so that people speaking the majority language of that State, may meet with similar treatment in the other State where they happen to be in a minority.

383. It is our earnest hope that if linguistic grievances are removed it will conduce to good feeling between the rival linguistic groups and will tend to linguistic integration. At any rate, the edges of linguistic sections will be smoothened and there will be better brotherly feelings. It need not be mentioned that in whatever State a particular village is placed the residents of these villages have as between them to continue in the same villages much the same as before. It is thus necessary that they live in amity and as good neighbours. The sooner they forget that they belong to rival linguistic groups the quicker they begin to feel that they are co-citizens and neighbours. Such a feeling is good not only for them but also for the nation.

384. Our own feeling is that villagers as such do have such brotherly feelings more or less. But it is rather some others who style themselves as leaders of linguistic groups that create antipathy and animosity between the people

of one language and another. It is when such feelings are aroused and when they are whetted by such leaders that the villagers begin to look askance at their neighbours. It is then that the trouble starts. The sooner these so-called leaders are quitened the better for the amity of all. It is further our feeling that these so-called village leaders get encouragement so long the claim for readjustment and transfer gets some support from those above them. The boundaries fixed by the States Reorganisation Act have to be accepted by all as final. No State, other than Maharashtra, has raised disputes although many States have their own feelings of dissatisfaction against the boundaries fixed for their State. In Maharashtra the dispute was started primarily against the Bilingual nature of Bombay Province. The Samyukta Maharashtra Samithi which came into being to fight against that State also took the opportunity of casting its evil eyes against the borders between Maharashtra and Mysore. At that time Shri Y. B. Chavan, the Chief Minister of Maharashtra, rightly struck a note against their agitational methods. According to the Press Reports of the date line, Kolhapur : 18th October 1960 (reported in the *Deccan Herald,* dated 19th October 1960) he commented against the satyagraha launched by the Samyukta Maharashtra Samithi and observed :

> " The Samithi wants to create capital out of this Satyagraha campaign for its own Party advantage .... The agitation launched by the Samithi at Belgaum last year was a failure and hence the Samithi wanted to lanuch the agitation at Kolhapur."

Speaking further with reference to their talk of Satyagraha Movement for the demand and inclusion of Belgaum and Nippani in Maharashtra State, he said (according to the said report) : " With the formation of Samyukta Maharashtra there need be no struggle except for the achievement of a higher standard of life for all." This is the correct perspective. We only hope that the same will be kept in mind and not swerved from. In that event there should be no scope for any dispute like the one in question.

385. Splitting up of the Bilingual State of Bombay and the creation of a separate and unified State of Maharashtra is the fruition of the aspirations and efforts of Maharashtrians. It was thought that they would be satisfied,

if not contented, with their achievements and that they would set to work "for the achievement of a higher standard of life for all," as set before them by their distinguished Chief Minister who led them to success in their fight for the bifurcation of Bombay State. These expectations were belied. The Samyukta Maharashtra Samithi was not only elated with the success but they arrogated to themselves and to their efforts the success of bifurcation. With the formation of a separate Maharashtra State, the Samithi work being over they had to wind up the Samithi. They, however, thought that they can pursue the agitation and give a further lease of life to that Body by carrying on the agitation in respect of the borders of Mysore. They began to wean the people that having been victorious in the first battle they would certainly get victory again. In this way they gained popular support. That is how they could succeed in carrying on the agitation on the Mysore Borders.

386. It is possibly because of all these agitations and the support of some Maharashtrians that the Government of Maharashtra feel called upon to lend their support to the Border dispute which they had previously raised. But basically there is no substance in that demand. Whether a few villages lie on one side of the border or the other is a matter of little consequence to the concerned villagers because it touches their daily life very little. In the course of our tour in the areas concerned we have come across Kannada villagers in Maharashtra who declined to go to Karnatak although such villages are offered by Maharashtra Government itself for transfer to Mysore. Their attitude is quite understandable. There is a proverb in Kannada which says: "Whether Rama rules or Ravana rules the poor man has got to grind his ragi to get flour for his meals." If not for the above circumstances and if from the initial stages the agitation about border disputes was discouraged, we feel the question would not have assumed the proportions it has today. We also feel that any agitation would have been easily nipped in the bud. Even now it is not too late. What is really wanted is not the decision as to which village should go to Maharashtra and which to Karnataka. The crux of the problem is the betterment of the economic and educational conditions of the people. The attention of one and all should be rivetted on those problems.

387. The crying need of the country is its economic upliftment. Every citizen of India whether he is in one State or the other has got to be lifted up from the mire of poverty. So long as his conditions are bettered and so long as he gets better amenities of life they never mind about the borders. But if the dispute prolongs, the chances are that the attention of the villager as well as of the public will be more turned towards the dispute in spite of the real economic problem facing him. For the sake of economic progress of India and for the sake of National Integration, it is absolutely essential that we should cry halt to these and such other similar disputes. We therefore earnestly hope that the two Governments should close the chapter of this dispute and create an atmosphere for the people to live in amity.

S. CHANNIAH,
Member.

S. S. MALIMATH,
Member.

SUMMARY OF THE REPORT

Part I

Chapter I—Introductory

The emergence of the States Reorganisation Act after a full dress debate was claimed to have brought down the curtain once for all regarding the formation of provinces on linguistic basis. Before the Act was a year old, Government of Bombay raised a dispute claiming a big portion of the present Mysore State. Following prolonged correspondence on the subject, on 5th June 1960 an agreement was reached to appoint a Committee of Four Representatives, two from each State, to consider the claims and to give full and considered opinion with reasons therefor (both on points of agreement as well as on points of disagreement).

Chapter II—Cases of two Governments

Government of Maharashtra has put up a claim for a large scale adjustment on the basis of the criteria known as Pataskar Formula, *viz.*, village as unit, simple majority of the language group and contiguity of territory. This involves an exchange of 2,806 square miles in Mysore covering 814 villages as against 1,180 square miles covering 260 villages on the Maharashtra side.

The Government of Mysore is of the view that the boundaries of the States, as already settled by the Act, should be accepted as final and that no further changes are called for. It is however prepared for minor territorial readjustments on an *ad hoc* basis, subject to the conditions that they are confined to a belt of 10 miles on either side of the existing boundary line; that no area is liable to transfer from one State to the other unless one or the other rival language groups, *viz.*, Kannada and Marathi, has a population of more than 70 per cent of the total population; and that no city is liable to transfer merely on the ground of linguistic majority. The Mysore Government points out that Konkani is not a dialect of Marathi, but it is an independent language and that therefore the Konkani-speaking people cannot be reckoned as Marathi-speaking population.

The Four Representatives could not reach an agreement on any point except one *viz.*, that the area to be transferred should be contiguous. Mysore Representatives' suggestion to consider the merits of individual areas apart from their consideration of the matter on the above three criteria was not agreed to by those of Maharashtra. Hence it was agreed that two independent reports should be given.

Chapter III—Historical Background

Early history leading to the enactment of the States Reorganisation Act, 1956, culminating in the formation of Linguistic Provinces analysed. States Reorganisation Commission was averse to consider language as the sole criteria. Parliament while enacting the Bill did not form new States solely on the language criteria. The terms of reference to the Committee enjoins the Representatives to express their opinion on the cases put forth by the two Governments with reasons. It does not call upon them to negotiate a settlement.

Chapter IV—Zonal Councils

According to Maharashtra Government, the States Reorganisation Act merely settled the rough outlines of the States leaving a large number of territorial adjustments to be settled and worked out by the Zonal Councils. Mysore disagreed with this. In the opinion of the Representatives of Mysore, Zonal Councils were formed merely as advisory bodies. They have no power to alter the boundaries which were finally fixed by the States Reorganisation Commission.

Chapter V—Same claims considered and decided by Parliament.

Claims discussed and settled already by the Parliament have been brought to the fore again by the Government of Maharashtra to push its claims for readjustment of vast territories. Mysore Government contends that the criteria proposed for readjustment of territories have all been specifically considered and rejected by the Parliament. It therefore urges that matters once specifically considered and rejected by the Parliament should not be allowed to be raked up. Maharashtra Chief Minister Sri

Y. B. Chavan himself had rejected these criteria while speaking on the passage of the bifurcation of bilingual State of Bombay Bill on the ground that instead of the enactment giving birth to new States, " such proposals would give birth to new controversies ". .

Chapter VI—Reopening not advisable

The stand of the Government of Maharashtra would give occasion for upsetting all the settled boundaries and lays open channels for advancing new disputes and fresh claims by various States. Mysore itself has complaints in respect of its boundaries on the sides of Kerala, Madras and Andhra Pradesh apart from the one with Maharashtra. Once it is conceded that the boundaries fixed by States Reorganisation Act are open to be readjusted by Zonal Councils perilous problems are likely to be raised all the Country over. Fissiparous tendencies are likely to raise their heads in the wake of regionalism when the crying need of the day is National Integration. Particular attention must be given to avoid such happenings.

Chapter VII—Readjustment not necessary

According to the Maharashtra Government the need for adjustment is the call of linguistic homogeneity which they affirm, is the decisive principle. It was not so. Merely because Belgaum District was transferred from the State of Bombay to Mysore, there has been no tangible changes in any of the circumstances affecting the public. They continue unchanged.

Chapter VIII—Burden of Proof

Changes to be affected must result in advancing the welfare of the people concerned. Otherwise there is no justification to disturb the present boundaries. The initial presumtion of convenience advanced by the Government of Maharashtra is diametrically opposite to the accepted principle of *status quo ante*. Any deviation from such a decision must be proved by the party claiming the transfer that it is necessary and justified.

Chapter IX—Fixing General Principles—Its propriety

Fixing of general principles for rigid application is not desirable and they would create more difficulties than

offer a solution. Such a course was depricated by the States Reorganisation Commission who opined that ' it would be unrealistic to determine any case by a single test alone '.

Chapter X—Principles proposed by Maharashtra not new

States Reorganisation Commission had considered all these principles and rejected them. It had decided on District being taken as the unit. In only exceptional cases it recommended taluk as unit provided the population speaking a particular language there was 70 per cent or more. Parliament too did not accept the criteria suggested by the Maharashtra Government. All amendments based on the said criteria or involving them failed.

Chapter XI—Linguistic complexion- -Unstable and Changing

Linguistic complexion of an area cannot remain permanent. History has many instances to offer in this respect where due to various causes and particularly by reason of the impact of the people speaking other languages, the linguistic complexion of an area has changed from what it was. It is idle to endeavour to bring together in one State all places where a particular language is spoken by the majority of the people.

Chapter XII—Village as unit

Village is not a loose and unlinked unit. It has its links with taluk and the taluk with the district for various purposes. The whole district will have developed into asmuch an organic unit as an administrative unit. The States Reorganisation Commission has declined to accept this.

Chapter XIII—Linguistic percentage

For transfer of areas below a district level, States Reorganisation Commission suggested that it should be done only if it is a taluka and if people speaking one language numbered 70 per cent or more. In that event it could be considered to be unilingual as formulated by the Dar Commission. There is no reason to deviate from this principle and go down to 50 per cent. much less to relative majority as proposed by Maharashtra.

Chapter XIV—Geographical Contiguity

Representatives of both States agree that the village or areas to be transferred should be contiguous to the State to which they are to be joined. But the contiguity should be physical and not notional.

Chapter XV—Linguistic minorities

Even with the adoption of the Pataskar Formula it is not posible to have absolutely an Unilingual State. Linguistic minorities are bound to persist in every State. A bilingual belt between the two States is bound to remain. Providing safeguards to the minorities in such areas is the only way of solving this problem of linguistic minorities. Once such safeguards are established so as to neutralize the disabilities of the minorities, it is immaterial in which State the said minorities are placed. The remedy lies in devising suitable safeguards and not in attempting to reduce the number of minority people.

Chapter XVI—Konkani language—Its early history

Apart from the Konkanies themselves, eminent authorities such as authors, poets, historians and philologists have proved that Konkani is not a dialect of Marathi but that it is an independent language and bears no relation to Marathi. The Maharashtra Government's claim that Konkani speaking population should be added to the Marathi speaking population for purposes of reckoning the linguistic majority is untenable.

Chapter XVII—Konkani in Karwar

Konkani has come to be associated with Kannada languages for many centuries past. Apart from the Kannada population in the area in question, most of the Konkani-speaking people also know Kannada. The script used for Konkani language is mostly Kannada. Konkani newspapers and magazines which are published from the capital of Maharashtra also have Kannada for their script. This only goes to show that only by this script they could reach a large number of Konkani reading public. Almost the whole population of Karwar District knows Kannada (73.96 per cent).

Chapter XVIII—Cities

A city not only develops its roots in the surrounding areas but also stands in need of the area for its very life and development. Its development is largely dependent on the contributions made to it by the areas surrounding it. It would not therefore be prudent to tear away a city from its surroundings, as that may do harm not only to the surrounding areas from which it is torn but also to the city itself. Cosmopolitan outlook of cities cannot be ignored. Cities ought to be included in the State in which the bulk of the rural area surrounding it is included. Central institutions of districtwise character meant for the advancement of the whole of the district area are mainly located in cities. Retention of cities like Belgaum, Nippani and Karwar in Mysore State is justified from various aspects and they should no be changed. Belgaum has been an integral part of Karnataka and eminent leaders of the Country have recognised this fact. Nippani's development and growth as a trading centre is due to its connection with the Kannada areas around it. Karwar's place can only be in Karnataka and its future development rests in its association with Mysore State.

Chapter XIX—Bidar District—Whether divided by agreement

The case of Bidar has been decided on the unanimous agreement reached by the representatives of people of the three sections Telengana, Marathwada and Karnataka in the old Hyderabad Legislature. The Assembly Reports, the Hyderabad Chief Minister's letter to the then Home Minister conveying the feelings of the House and the Bidar District Congress Committee resolution passed unanimously under the Chairmanship of its President, a Maharashtrian himself, all go to prove the unanimous verdict reached in the case of Bidar. Such agreements should not be lightly ignored, nor allowed to be gone back upon.

Part II

Chapter XX—Introductory

Apart from the general principles there are certain considerations in respect of each area as to why it may or may not deserve to be transferred. These points have to be specifically considered and opinions expressed about them. The Maharashtra Representatives having declined to consider these points at a joint meeting, we had to do our part by considering the merits of all the individual areas claimed for transfer.

Chapter XXI—Karwar, Supa and Haliyal Talukas of North Kanara District

These three talukas of Karwar District are hilly tracts and forest areas. They bear little comparison, *viz.*, with the admittedly Konkan Districts of Ratnagiri and Kolaba. The system of land tenures in the two parts varies substantially. Affinities of Karwar District are mostly with the Kannada Districts of Dharwar and Belgaum and also with the districts of Shimoga of old Mysore State and South Kanara.

Karwar Taluk.—The district of Karwar nowhere touches the State of Maharashtra and cannot be said to be contiguous. This area cannot make a compact territory with the Konkan tracts of Ratnagiri District. 6.7 per cent of the population speak Marathi. The development of Karwar Port will be achieved if Karwar is retained in Mysore. While Maharashtra has one of the finest ports in Bombay, Karwar is the only natural port for Mysore and especially in North Karnataka. Karwar's hinterland lies completely in Karnatak area.

Haliyal and Supa.—The area of these two taluks is mostly covered by thick forests. The population of towns in these two taluks account for more than 50 per cent of the taluka population. Of this, those whose mothertongue is Marathi account for less than 40 per cent and 30 per cent respectively in the said talukas. Alnavar Railway Station which is the main source of communication and transport facilities for the forest wealth of these places lies in Dharwar District. A close study of the linguistic

map of Haliyal published in the Census Language Hand Book of 1951 shows that in Haliyal, Marathi areas form pockets surrounded as they are on all sides by Kannada areas. The Kali Nadi Hydro-Electric Project is solely meant to supply power to North Karnataka. It is therefore essential that Haliyal is retained in Mysore. Maharashtra's claim in respect of areas in this district cannot be sustained. These talukas were declared as bilingual by the Government of Bombay in 1950 but the number of applications received in Marathi in taluka offices are negligible. It shows the hallowness of the claim that the area is Marathi.

Chapter XXII—Belgaum District

The general features of Belgaum District in relation to linguistic composition is mostly Kannada. From the earliest historical times, it has been a part of Karnataka. It was formerly the administrative headquarters of Karnataka Division even in the former State of Bombay and the city had developed an organic unity with its surrounding areas. The official records of various departments have been maintained in Kannada from times immemorial.

Khanapur Taluka.—Epigraphical evidence, geographical situation and cultural affinity all tend to prove that this is a Kannada area. Out of the 75,000 acres which the Upper Malaprabha Project is expected to irrigate a large area lies mostly in the Kannada parts. Only 20,000 acres lie in its immediate surroundings of the Headworks in Khanapur Taluka area claimed by Maharashtra. The project's necessity is mainly for Kannada area. Hence the Headworks of the reservoir will have to be in Mysore.

Belgaum Taluka.—Marathi population is less than 50 per cent. The map drawn by Maharashtra Government creates a corridor out of Kannada area surrounding Belgaum City to show that the city is in the interior of Marathi area. Persons of the eminence and stature of N. C. Kelkar have unequivocally stated that the whole of Belgaum District is Kannada area. 1951 Cenusus figures have been correctly challenged and irregularities committed by the interested enumerators have been confirmed by the Census Superintendent, Bombay. Trade connections on an analysis show that the arrival of goods from

Karnataka areas form major part. Districtwise institutions having their roots in Kannada areas has been fed and developed in Belgaum.

Hukeri and Athni Talukas.—Villages claimed by Maharashtra are few and to cut them away from the major part of the talukas with which they have for centuries developed organic unity is wholly unjustified.

Chikodi Taluka.—Kannada percentage of population is 49.7 per cent as against Marathi strength of 42.1 per cent. Bone of contention is regarding Nippani. Adjoining Nippani are Kannada villages to its east and south. Agricultural produce from Kannada areas of Chikodi Taluka and other places in Kannada areas are mainly responsible for building up Nippani as a big market centre. Population of Nippani town is cosmopolitan with a big floating population. The object of founding an Arts and Science College at Arjun Nagar in close proximity to Nippani but outside Mysore territory is only an veiled attempt to induce local sympathy towards Maharashtra. Even prior to States Reorganisation and after the merger of neighbouring Princely States areas, the Government of Bombay had declared Kannada as the official language of the whole of Chikodi Taluka including this part.

Chapter XXIII—Kolhapur District

Maharashtra offers certain areas from the two talukas of Gadhinglaj and Shirol.

Chapter XXIV—South Satara District

Jath Taluka.—Out of 98 villages in Jath Taluka only 44 villages are said to be Kannada speaking. But Jath State area was predominantly Kannada area. It has been included in the Karnataka Province in the Congress Organisation. Even in 1949, its inclusion in the district of South Satara was opposed by the Karnataka leaders. In the normal course it ought to have been joined to Bijapur which is at a distance of only 40 miles away from it.

Chapter XXV—Sholapur District

Sholapur District has been a Kannada area since centuries. It has been the seat of Kannada culture and literary

renaissance under the guidance of Siddharameshwara, an associate of Basava, who was Minister to King Bijjala of Kalyan. Historically, culturally and commercially, Sholapur was closely linked with Kannada areas. Sholapur City had originally a majority of Kannada speaking people as revealed by the 1881 Census. It appears that as times passed and the city grew, it became a cosmopolitan city and the proportion of Kannada population went down. 1951 Census figures do not show linguistic composition of City. Census figures have been challenged here also just the same way as at Belgaum and Nippani. It is the administrative headquarters of South Sholapur taluka.

Mangalwadhe Taluka.—It was formerly known as Mangaliveda. Nine villages from this taluka are conceded by Maharashtra as Kannada. Mangalwadhe town is on the verge of Kannada area of Donaj village, which is a Kannada village. This proves the extent of Kannada territory in Mangalwadhe taluka.

South Sholapur Taluka.—It touches Sholapur City on its east as well as on its south. Percentage of Kannada population is 48.1 per cent as against Marathi population percentage of 32.2. Even out of the 15 villages which Maharashtra wants to retain in its hold, only 12 have more than 50 per cent Marathi speaking population, and one has only 29.6 per cent Marathi speaking population. Telugu population dominates in Sholapur City. This may as well as linked with South Sholapur taluka as to the North Sholapur Taluka.

Akkalkot Taluka.—A close study of history, the position of the Taluka and its relations and contacts with neighbouring Kannada areas, culturally and commercially, shows that it is a part of Karnataka. Even on the very principles enunciated by the States Reorganisation Commission the whole of Akalkot Taluka should have been joined with Karnataka much the same way as the State of Coorg was done. Epigraphical evidence also goes to prove that this was a Kannada territory since times immemorial. Linguistic composition of Akalkot town is much the same way as that of composition of population in other towns and cities. Still Akal- Marathi speaking population number 44 per cent.

Chapter XXVI—Hyderabad Karnataka—Gulbarga District

Aland Taluka.—Only eight villages have been marked out by Maharashtra to be cut away from this taluka and joined to Maharashtra. Cutting off such small area from the rest of the taluka with which it has developed organic unity is least justified.

Bidar District

The claims of Maharashtra Government in respect of the areas in Bidar District do not have any justification. Various considerations have weighed in favour of their retention in Mysore State. It was mutually agreed to between the three linguistic groups in the erstwhile Hyderabad Assembly, when it was decided that these four talukas of the district of Bidar, *viz.*, Humnabad, Bidar, Bhalki, Santpur should go to Karnataka. The taluka towns of Bhalki and Santpur (Aurad) are Kannada. It would not be proper to detach the villages from them and transfer them to Maharashtra.

Part III

Chapter XXVII—Some other aspects

Public opinion arising out of the results of the general election in the context of the Maharashtra Governor's address to the Joint Session of the Maharashtra Legislature on March 16, 1962 are not based on correct premises. Agitational approach to a topic of this sort, *viz.*, boundary disputes should be avoided.

Chapter XXVIII—Some suggestions

Two questions, namely, intervention of the Centre and simultaneous settlement of disputes on all four sides of Mysore State considered. Any solution based on some set principle would be but a prelude to other disputes being raised afresh between various borders of other States.

Chapter XXIX—Arbitration

So far as Arbitration is concerned, the States Reorganisation Commission was itself a High Power Commission set up by the Union Government to examine the question of Reorganisation of States objectively and dispassionately. Almost all its recommendations were accepted by the Government and the Parliament. Such a Commission was itself a Committee of Arbitrators. There cannot be any second reference to arbitration. In the present case, with the claim for readjustment of large area (814 villages) being made by Maharashtra and none by Mysore, which having accepted the *status quo* despite large Kannada tracts being now in Maharashtra State, any mediation naturally strikes a mean. In such a case it is all gain for Maharashtra. Mysore will be a loser in any mediation.

Chapter XXX—Ad hoc *exchanges*

Method of *Ad hoc* exchanges proposed by the Government of Mysore is the only possible way to end the disputes, as such exchanges result out of mutual agreement and do not create precedent for any further disputes.

Chapter XXXI—Conclusions

There are certain grievances and disabilities of the linguistic minorities on both sides of the border. These should be reduced and the educational facilities and other conditions of minorities bettered.

APPENDIX A

Joint Statement of the Two Chief Ministers

It is agreed that the Government of Maharashtra and the Government of Mysore will each appoint two Representatives. These four representatives will study and discuss together in detail the cases put forward by the two Governments regarding the disputed border between the two States and report to the Governments as to what extent there is an agreement and disagreement about the disputed border with reasons therefor. Their report with their entire opinions will be sent to the two Governments who may then consider the reports and take such steps as they deem fit.

Sd. Y. B. Chavan,
5-6-1960.

Sd. B. D. Jatti,
5-6-1960.

APPENDIX B

The Marathi Literary Conference at Belgaum

Statement Re : *Kannada-Marathi Controversy*

The public is aware that an acute controversy had been for some time past going on in Karnatak as to the advisibility or propriety of a Marathi Literary Conference being held at Belgaum. That controversy is happily over for the simple reason that the Conference is now an accomplished fact, thanks to the good sense, friendliness and tactfulness shown by the leaders of both Karnataka and Maharashtra.

With a view to maintain and strengthen the good feeling between these two provinces, a resolution was moved in the Conference by Mr. N. C. Kelkar among us and concurred in by others of us to the following effect:—

Draft Resolution

Whereas the Kanarese, Marathi controversy now raging in Karnatak is undesirable in all respects and whereas in the opinion of this Conference, it is highly expedient in the interests of both parties to settle it amicably as early as possible.

This Conference do hereby resolve :

(1) that the District of Belgaum is a part of Karnatak and that in this District Kanarese is the predominant language, *i.e.*, the language of the majority.

(2) that therefore the Marathi people in this District should give respect to it due thereto as the predominant language in the District.

(3) that along with it the Kanarese people in the District should extend to Marathi respect due to it as a sister language and grant due and necessary protection to it as the language of a minority in the District.

This Conference further expresses its desire that the Karnatak Literary Conference should also pass a resolution in terms of the principles embodied in clauses (2) and (3) above and help it in maintaining good feelings between Karnatak and Maharashtra.

Our intention in moving the above resolution was only to state clearly the present position about the Belgaum District in relation to Karnatak and to state our view of the mutual obligations resting upon both the Marathi people in the District as a minority population and the Kanarese people as a majority population in respect of their mutual relations. Our view is so clearly and logically stated in three consecutive clauses taken together of

the resolution that any further explanation about their meaning or significance would be superfluous. We believe that the whole resolution, made up of the three clauses, taken together, would have been entirely fair and just to the position and interests of both the Maharashtra and Karnatak and the Marathi and Kanarese languages, their literature and culture in relation to each other. It happened however that a technical point of order was raised by some members of the Subjects Committee as to whether clause (1) was in order or not in a purely Literary Conference. We argued and maintained that it was perfectly in order but original objection was upheld by the President and the clause being declared out of order had to be deleted. The consequence was that the remaining clauses of the resolution, though expressing a view which we entirely approve of and can sincerely support at any time, presented a resolution which was imperfect and incomplete for our purpose and therefore we could not be a party to such a resolution. We had therefore to express our formal dissent from the resolution both in the Subjects Committee as well as in the open Conference.

We may briefly explain our position in this matter. We agree to the view, stated in the resolution as now passed, that while the Kanarese language being the language of the majority in the District must be given its proper place in the public affairs of the District the Marathi language also on the other hand must be given the recognition, the latitude and the facilities which are due to it as the language of a substantial minority. But we further maintain that both these positions are dependent upon the recognition of the Belgaum District as being a part of the Karnatak Province culturally and linguistically. Such recognition is in our opinion the recognition of a mere truism. Our purpose was only to concentrate attention upon, and to clinch the fact that the Belgaum District has been so long, and is at present, a District in the Karnatak Province—a fact born out both by the British Government treating the Belgaum District as an administrative unit and by the Congress including it, by the common consent of both Maharashtra and Karnatak people, within the territorial jurisdiction of the Karnatak Provincial Congress Committee. A clear statement of this position was necessary by reason of the misunderstandings and prejudices created on the eve of the Marathi Literary Conference being held at Belgaum and it was in our view perfectly relevant to the affairs of the said Conference, because the Conference must concern itself with the position and prospects of the Marathi language as well as its relation to other languages. We therefore regard it as unfortunate that the President took the view that clause (1) of our resolution was out of order. We were consequently in a dilemma as it were about supporting or dissenting from the remainder of the resolution and we took the obvious course of dissenting from it because it was incomplete and imperfect for our purpose, though, as we have stated above, it contains matter which, so far as it goes, we cannot but approve of. In fact the language of the remaining two clauses is substantially our own language. But these two clauses of the resolution do not go far enough for a correct presentation of the whole of our view in this matter. At the same time we must state that we make no grievance about the

ruling given by the President or the slight amendments made in the remaining two clauses as originally drafted, for the simple reason that both the President as well as the members of the Conference were not only entitled to their own opinion, but were actuated, in doing what they did, by honesty and sincerity of purpose as much as ourselves.

Belgaum,

N. C. KELKAR, B.A., LL.B., M.L.A.,
Editor—Kesari.

29th May 1929.

D. V. BELVI, B.A., LL.B., M.L.A.,
Belgaum.

G. B. DESHPANDE, B.A., LL.B.,
Belgaum.

N. R. GUNJAL, M.L.C.,
Poona.

Promissiones Domini Nostri JESU CHRISTI factae B. Margr. M. Alacoque.

ಸೊಮಿಯಾ ಜೆಜು ಕ್ರಿಸ್ತಾನೆ
ಭಾಗೆದಂತ್ ದುರಿಯೆ ಮಾರ್ಗರಿತಾಕ್,
ಅಪ್ಲ್ಯಾ ಪವಿತ್ರ್ ಕಾಳ್ಜಾಚಾ ಭಕ್ತ್ಯಾಂತಾಂ ಜನ್ಮೆತ್,
ಕೆಲ್ಲಿಂ ಭಾಸಾಬುಣೆಂ.

1. ತಾಂಯಾ ಟೆಸಾ ಗಜ್ಜೆಚ್ಯಾ ಸೆಮೆಸ್ತ್ ಕರ್ಲಾ ಆಸಾ ತಾಕಾ ಸಂತೊಸೆಲೆಂ.
2. ತಾಂಚ್ಯಾಂ ಕುಟ್ಮಾಂಕ್ ಆಸಾ ಸೌಕಾಸ್ಯಾ ದಿತಲೆಂ.
3. ಹರ್ಕಿತಾ ತಾಂಚ್ಯಾ ಉದ್ಯಾವಾಂತ್ ಆಸಾ ತಾಣಾ ಪ್ರಾಪ್ತ್ ಕರ್ತಲೆಂ.
4. ಜೆಜ್ಯೆಂತ್, ಅನಿ ಆಪ್ಲೆ ಕನ್ನ ಮೊನಾರ್ಚಾ ಪೆಗಾ, ಆಸಾ ತಾಂಚೆ ಭರ ಅನ್ನೆ ಜಾತೆಲೆಂ.
5. ತಾಂಚ್ಯಾಂ ಸವೆಸ್ತ್ ಖಾಯಾಂಲೆರ್, ನೆಜ್ಯಾಂ ಜೆಸಾವಾಂಚೊ ಧಜಾರ್ ಆಸಾ ಧಾಲ್ಲೊಲೆಂ.
6. ಕಾಳ್ಜಾಚೆ ಕೋಣ್ ಅನಿ ವಿಶ್ ಮೆಳ್ಚೆ ನಾತಲ್ಲ್ಯಾ, ಸುಖಿತ, ಪೀಜ್ಯಾ ಕಾಳ್ಜಾಂಚ್ ಖಾತ್ಯಾಂ ಮೊನ್ಸಾಂಚ್ ಮೆಳ್ಚೊಲೆಂ.
7. ಒಳ್ಳೆ ಅತ್ಮೆ ಜ್ಞಾತೆ ಜಾತೆಲೆ.
8. ಖ್ರಿಸ್ತ್ಯಾಚ್ಯಾ ಅತ್ಯಾರ್ಚಾರ್ ಮಜಾ ಒಡ್ ಸಂಪೂರ್ಣಾಚ್ಯಾ ದೊಯಮೊಂ ಜೆಲ್ಲಿ.
9. ಮೊಜ್ಯಾ ಪವಿತ್ರ್ ಕಾಳ್ಜಾಚೆಂ ರೂಪಾಂತ್ ಜೆಜ್ಞೆನ್ ಮಾನ್ ದಿಲಾ ಖನಾಸಿಂ ಆಸಾ ಆಶೀರ್ವಾದ್ ಧಾರೆಲ್ಲೊಲೆಂ.
10. ಪೊಶಿ ಪತ್ ಧಾರಣಾ ಕಾಳ್ಜಾಂ ಸೊವಳ್ಳಾಂರೆಂ ಜೆಲೆಂ ಸುಸೆಗತಿಂ ಆಸಾ ದಿತೆಲೆಂ.
11. ಯೆಂ ರತ್ಪಿಣಾ ದಾಡ್ಯೆಲ್ಯಾಂಚ್ಯಾ ನಾವಾಂ ಪೆಳ್ಚ್ಯಾ ಕಾಳ್ಜಾಂತ್ ಬರೆಂವ್ ಆಸ್ಲೆಲಿಂ, ಅನಿ ಥಂಯಿಂ ಥಾಬುನ್ ಕೆಂಯ್ ತಿಂ ನಾವಾಂ ಪುಸುಮನಾಂತ್.
12. ಮೊಜ್ಯಾ ಕಾಳ್ಜಾಚ್ಯಾ ಅರಿಕ್ ಕಾಯ್ಮೆನ್ ಆಸಾ ತ್ಯಾ ಭಾಸ್ಯಾತಾಂ, ತೆ ಮೊಜ್ಯಾ ಸರ್ವ ದೇಂವ್ಪಣಾ ಮೊಗಾ ಫೆಂವ್ನಂ, ದಿತೊರೆಲಾ ಮೊಗ್ ಕುರ್ಪಾ ಸಾಧ್ಯಾವಿ ರುಕ್ ದುಸ್ ಮೊಳ್ಚಿ, ಸರ್ವ ತ್ಯಾಂ ಪೊನ್ಸಾಂಚ್, ಪೆ ದಾಡಾ ಧಾಮ್ ನೆಸಲ ಮೈನ್ಯಾಂಬ ಭೈಲ್ಯಾ ಸುತ್ರಾಮಿಂ ಕುವಾರ್ ಕಾಣೆ, ತೆತ್; ತೆ ಮೊಜಿ ಕುಪ್ ಭಾರ್ ಯಾ ತಾಂಚೆ ಸಾಕ್ರಾಮೆಂತ್ ಕಾಯ್ಮೆನಾ ಸ್ಥಾನಾ ಮೊರ್ಚೆನಾಂತ್; ಅನಿ ಮೊಜೊಂ ದೇವ್ ಕಾಜ್ ಜಾಲುನ್ ಆಸ್ಲೆಲಿಂ, ತೇ ತಾಂಚೆ ನಿಮಾಣೆ ಗಡಿಯೆರ್, ತಾಂಚೊ ಭರ್ ಅಸೊ.

Conkani, India.

APPENDIX D

(Reply of Sri D. C. Pavate, Vice-Chancellor of the Karnatak University to the letter written by the Minister of Education, Bombay).

Dharwar
22-9-1956

My dear Shri Dinkarrao,

I am very thankful to you for your D.O. letter No. 3956, dated 20th September, regarding the suggestion of the Rani Parvatidevi College, Belgaum, for affiliation to the Poona University. My reaction is one of surprise for the capacity of some Belgaum people for misrepresentation of facts. The college has been repeatedly asked by this University to introduce Marathi as the medium of instruction if there is a demand for it. The position about the medium of instruction has been explained time and again to the Principal and the college can't possibly have any grievance whatsoever against this University in that respect. I enclose herewith the various circulars we have issued on the subject which will clearly show that Kannada is not the only medium of instruction in this University. The Syndicate Resolution shows that the regional language be introduced as an optional medium of instruction in the affiliated colleges. The regional language here means Kannada or Marathi or Urdu. The Principal of the R. P. D. College knows this position very well. A decision was taken by the University to allow the option of the regional language (*i.e.*, Kannada, Marathi, or Urdu or Hindi or English) with effect from 1955-56. In pursuance of this resolution, the R. P. D. College, Belgaum, was asked to introduce Marathi as the medium of instruction if there was sufficient demand for it and if it could afford it. Actually no college in this University is teaching through any of the regional languages and English still continues to be the sole medium of instruction. Taking advantage of this circular, however, some colleges allowed the students to answer the 1st year examination papers in the regional language and accordingly the R. P. D. College has reported that 36 students answered their questions in Marathi only in one paper, *i.e.*, History (*vide* enclosures page 4). Similar requests were made by Kannada students and Urdu students and the Syndicate reviewed the position and decided that the option to answer question papers in any of the regional languages should be given only to such colleges as actually teach through that language. This applies to all languages, whether Kannada, Marathi or Urdu. Actually there was a very great demand from Muslim students for the concession of answering their examination papers in Urdu. The University informed the colleges that there was no objection to candidates answering even in Urdu if there was a provision for teaching in all the subjects through Urdu. In the circumstances I do not think that anybody can say that we have introduced only Kannada as the medium of instruction.

Recently we asked the affiliated colleges whether any Intermediate students in Arts, Science or Commerce have attended lectures in the regional language and whether such candidates desire to be examined in that regional language. The R. P. D. College, Belgaum. has replied that all the students desire to be examined in the English medium only. This shows that the college is not anxious to provide for the teaching of any subject through the regional language (*i.e.*, in Kannada or Marathi).

It appears to me that this is more a political question than an academical one as a section of the Belgaum public is still not reconciled to the re-organisation of the States as decided by the Parliament. This University has no intention whatsoever of making Kannada as the only medium of instruction at any stage.

With kind regards,

Yours sincerely,

(Sd.) D. C. PAVATE.

Shri Dinkarrao Desai,

Minister for Education,
Government of Bombay,
Sachivalaya, Bombay-1.

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